

House File 534

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 192)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the reorganization of certain state
2 departments by establishing a department of administrative
3 services, making related changes, providing penalties, and
4 providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6 HF 534

7 ec/es/25

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1 1 DIVISION I
1 2 DEPARTMENT OF ADMINISTRATIVE SERVICES
1 3 ARTICLE 1
1 4 DEPARTMENT OF ADMINISTRATIVE SERVICES
1 5 Section 1. NEW SECTION. 8A.101 DEFINITIONS.
1 6 As used in this chapter, unless the context otherwise
1 7 requires:
1 8 1. "Agency" or "state agency" means a unit of state
1 9 government, which is an authority, board, commission,
1 10 committee, council, department, examining board, or
1 11 independent agency as defined in section 7E.4, including but
1 12 not limited to each principal central department enumerated in
1 13 section 7E.5. However, "agency" or "state agency" does not
1 14 mean any of the following:
1 15 a. The office of the governor or the office of an elective
1 16 constitutional or statutory officer.
1 17 b. The general assembly, or any office or unit under its
1 18 administrative authority.
1 19 c. The judicial branch, as provided in section 602.1102.
1 20 d. A political subdivision of the state or its offices or
1 21 units, including but not limited to a county, city, or
1 22 community college.
1 23 2. "Department" means the department of administrative
1 24 services.
1 25 3. "Director" means the director of the department of
1 26 administrative services or the director's designee.
1 27 4. "Governmental entity" means any unit of government in
1 28 the executive, legislative, or judicial branch of government;
1 29 an agency or political subdivision; any unit of another state
1 30 government, including its political subdivisions; any unit of
1 31 the United States government; or any association or other
1 32 organization whose membership consists primarily of one or
1 33 more of any of the foregoing.
1 34 5. "Governmental subdivision" means a county, city, school
1 35 district, or combination thereof.
2 1 6. "Public records" means the same as defined in section
2 2 22.1.
2 3 Sec. 2. NEW SECTION. 8A.102 DEPARTMENT CREATED ==
2 4 DIRECTOR APPOINTED.
2 5 1. The department of administrative services is created.
2 6 The director of the department shall be appointed by the
2 7 governor to serve at the pleasure of the governor and is
2 8 subject to confirmation by the senate. If the office becomes
2 9 vacant, the vacancy shall be filled in the same manner as
2 10 provided for the original appointment.
2 11 2. The person appointed as director shall be
2 12 professionally qualified by education and have no less than
2 13 five years' experience in the field of management, public or
2 14 private sector personnel administration, including the
2 15 application of merit principles in employment, financial
2 16 management, and policy development and implementation. The
2 17 appointment shall be made without regard for political
2 18 affiliation. The director shall not be a member of any local,
2 19 state, or national committee of a political party, an officer

2 20 or member of a committee in any partisan political club or
2 21 organization, or hold or be a candidate for a paid elective
2 22 public office. The director is subject to the restrictions on
2 23 political activity provided in section 8A.416. The governor
2 24 shall set the salary of the director within pay grade nine.

2 25 Sec. 3. NEW SECTION. 8A.103 DEPARTMENT == PURPOSE ==
2 26 MISSION.

2 27 The department is created for the purpose of managing and
2 28 coordinating the major resources of state government including
2 29 the human, financial, physical, and information resources of
2 30 state government.

2 31 The mission of the department is to implement a world=
2 32 class, customer-focused organization that provides a
2 33 complement of valued products and services to the internal
2 34 customers of state government.

2 35 Sec. 4. NEW SECTION. 8A.104 POWERS AND DUTIES OF THE
3 1 DIRECTOR.

3 2 The director shall do all of the following:

3 3 1. Coordinate the internal operations of the department
3 4 and develop and implement policies and procedures designed to
3 5 ensure the efficient administration of the department.

3 6 2. Appoint all personnel deemed necessary for the
3 7 administration of the department's functions as provided in
3 8 this chapter.

3 9 3. Prepare an annual budget for the department.

3 10 4. Develop and recommend legislative proposals deemed
3 11 necessary for the continued efficiency of the department's
3 12 functions, and review legislative proposals generated outside
3 13 the department which are related to matters within the
3 14 department's purview.

3 15 5. Adopt rules deemed necessary for the administration of
3 16 this chapter in accordance with chapter 17A.

3 17 6. Develop and maintain support systems within the
3 18 department to provide appropriate administrative support and
3 19 sufficient data for the effective and efficient operation of
3 20 state government.

3 21 7. Enter into contracts for the receipt and provision of
3 22 services as deemed necessary. The director and the governor
3 23 may obtain and accept grants and receipts to or for the state
3 24 to be used for the administration of the department's
3 25 functions as provided in this chapter.

3 26 8. Establish the internal organization of the department
3 27 and allocate and reallocate duties and functions not assigned
3 28 by law to an officer or any subunit of the department to
3 29 promote economic and efficient administration and operation of
3 30 the department.

3 31 9. Install a records system for the keeping of records
3 32 which are necessary for a proper audit and effective operation
3 33 of the department.

3 34 10. Determine which risk exposures shall be self-insured
3 35 or assumed by the state with respect to loss and loss

4 1 exposures of state government.

4 2 11. Keep in the director's office a complete record
4 3 containing an itemized account of all state property,
4 4 including furniture and equipment, under the director's care
4 5 and control, and plans and surveys of the public grounds,
4 6 buildings, and underground constructions at the seat of
4 7 government and of the state laboratories facility in Ankeny.

4 8 12. Serve as the chief information officer for the state.

4 9 13. Exercise and perform such other powers and duties as
4 10 may be prescribed by law.

4 11 Sec. 5. NEW SECTION. 8A.105 PROHIBITED INTERESTS ==
4 12 PENALTY.

4 13 The director shall not have any pecuniary interest,
4 14 directly or indirectly, in any contract for supplies furnished
4 15 to the state, or in any business enterprise involving any
4 16 expenditure by the state. A violation of the provisions of
4 17 this section shall be a serious misdemeanor, and upon
4 18 conviction, the director shall be removed from office in
4 19 addition to any other penalty.

4 20 Sec. 6. NEW SECTION. 8A.106 PUBLIC RECORDS.

4 21 1. The records of the department, except personal
4 22 information in an employee's file if the publication of such
4 23 information would serve no proper public purpose, shall be
4 24 public records and shall be open to public inspection, subject
4 25 to reasonable rules as to the time and manner of inspection
4 26 which may be prescribed by the director. However, the
4 27 department shall not be required to release financial
4 28 information, business, or product plans which if released
4 29 would give advantage to competitors and serve no public
4 30 purpose, relating to commercial operations conducted or

4 31 intended to be conducted by the department.

4 32 2. The state agency that is the lawful custodian of a
4 33 public record shall be responsible for determining whether a
4 34 record is required by federal or state statute to be
4 35 confidential. The transmission of a record by a state agency
5 1 by use of electronic means established, maintained, or managed
5 2 by the department shall not constitute a transfer of the legal
5 3 custody of the record from the individual state agency to the
5 4 department or to any other person or entity.

5 5 3. The department shall not have authority to determine
5 6 whether an individual state agency should automate records of
5 7 which the individual state agency is the lawful custodian.
5 8 However, the department may encourage state agencies to
5 9 implement electronic access to public records.

5 10 4. A state agency shall not limit access to a record by
5 11 requiring a citizen to receive the record electronically as
5 12 the only means of providing the record. A person shall have
5 13 the right to examine and copy a printed form of a public
5 14 record as provided in section 22.2, unless the public record
5 15 is confidential.

5 16 Sec. 7. NEW SECTION. 8A.107 OATHS AND SUBPOENAS.

5 17 The director may administer oaths, subpoena witnesses, and
5 18 compel the production of books and papers pertinent to any
5 19 investigation or hearing authorized by this chapter. A person
5 20 who fails to appear in response to a subpoena or produce books
5 21 or papers pertinent to the investigation or hearing or who
5 22 knowingly gives false testimony is guilty of a simple
5 23 misdemeanor.

5 24 Sec. 8. NEW SECTION. 8A.108 ACCEPTANCE OF FUNDS.

5 25 The department may receive and accept donations, grants,
5 26 gifts, and contributions in the form of moneys, services,
5 27 materials, or otherwise, from the United States or any of its
5 28 agencies, from this state or any of its agencies, or from any
5 29 other person, and may use or expend such moneys, services,
5 30 materials, or other contributions, or issue grants, in
5 31 carrying out the operations of the department. All federal
5 32 grants to and the federal receipts of the department are
5 33 hereby appropriated for the purpose set forth in such federal
5 34 grants or receipts.

5 35 Sec. 9. NEW SECTION. 8A.109 FEDERAL FUNDS.

6 1 1. Neither the provisions of this chapter nor rules
6 2 adopted pursuant to this chapter shall apply in any situation
6 3 where such provision or rule is in conflict with a governing
6 4 federal regulation or where the provision or rule would
6 5 jeopardize the receipt of federal funds.

6 6 2. If it is determined by the attorney general that any
6 7 provision of this chapter would cause denial of funds or
6 8 services from the United States government which would
6 9 otherwise be available to an agency of this state, such
6 10 provision shall be suspended as to such agency, but only to
6 11 the extent necessary to prevent denial of such funds or
6 12 services.

6 13 Sec. 10. NEW SECTION. 8A.110 STATE EMPLOYEE SUGGESTION
6 14 SYSTEM.

6 15 1. There is created a state employee suggestion system for
6 16 the purpose of encouraging state employees to develop and
6 17 submit ideas which will reduce costs and increase efficiency
6 18 in state government and which will make monetary and other
6 19 awards to state employees whose cost reduction ideas are
6 20 adopted under the system.

6 21 2. The department shall provide necessary personnel for
6 22 the efficient operation of the system. The department shall
6 23 adopt rules as necessary for the administration of the system
6 24 and to establish the award policy under which the system will
6 25 operate. The rules shall include:

6 26 a. Eligibility standards and restrictions for both the
6 27 state employee submitting the suggestion and the suggestion
6 28 being submitted. The rules shall provide that suggestions
6 29 relating to academic affairs, including teaching, research,
6 30 and patient care programs at a university teaching hospital,
6 31 are ineligible.

6 32 b. Procedures for submitting and evaluating suggestions,
6 33 including the responsibilities of each person involved in the
6 34 system and providing that the final decision to implement
6 35 shall be made by the director of the applicable state agency.

7 1 c. The method of presentation of awards to employees.

7 2 d. The method of promoting the suggestion program in the
7 3 broadest possible manner to state employees.

7 4 e. Any other policies necessary to properly administer the
7 5 system.

7 6 3. a. When a suggestion is implemented and results in a

7 7 direct cost reduction within state government, the suggester
7 8 shall be awarded ten percent of the first year's net savings,
7 9 not exceeding ten thousand dollars, and a certificate. A cash
7 10 award shall not be awarded for a suggestion which saves less
7 11 than one hundred dollars during the first year of
7 12 implementation. The state agency head shall approve all
7 13 awards and determine the amount to be awarded. Appeals of
7 14 award amounts shall be submitted to the director whose
7 15 decision is final.

7 16 b. Certificates shall be awarded to suggesters of
7 17 implemented suggestions that result in a direct cost reduction
7 18 of less than one hundred dollars. The state agency head shall
7 19 make the determination as to who will receive certificates.
7 20 That decision is final.

7 21 4. An award made pursuant to this section shall be paid
7 22 for out of the appropriated funds of the state agency
7 23 realizing the cost savings, but the payment for awards shall
7 24 not violate any state or federal contract, law, or regulation,
7 25 or impair any agency contractual obligation.

7 26 5. a. A state agency shall keep records of each
7 27 suggestion implemented and the cost savings resulting from the
7 28 suggestion for a period of one year from the date of
7 29 implementation of the suggestion.

7 30 b. The director shall file a report with the governor and
7 31 the general assembly for each fiscal year, relating to the
7 32 administration and implementation of the suggestion system and
7 33 the benefits for the state, the state departments, and state
7 34 employees.

7 35 6. The ability of employees to patent ideas submitted
8 1 under this section is subject to all other agency rules and
8 2 Code requirements pertaining to patents.

8 3 Sec. 11. NEW SECTION. 8A.121 FINANCING DEPARTMENT
8 4 SERVICES == CUSTOMER COUNCILS.

8 5 1. The department shall establish a process by which the
8 6 department shall determine which services provided by the
8 7 department shall be funded by an appropriation to the
8 8 department and which services shall be funded by the
8 9 governmental entity receiving the service.

8 10 2. a. For services which the department determines shall
8 11 be funded by the governmental entity receiving the service,
8 12 the department shall establish a process for determining
8 13 whether the department shall be the sole provider of the
8 14 service or not.

8 15 b. If the department determines that it shall be the sole
8 16 provider of a service, the department shall establish, by
8 17 rule, a customer council responsible for overseeing
8 18 departmental operations with regard to the service provided to
8 19 ensure that the department meets the needs of affected
8 20 governmental entities and the citizens those entities serve.
8 21 The rules adopted shall provide, at a minimum, for the method
8 22 of appointment of members to the council by governmental
8 23 entities required to receive the service from the department
8 24 and for the powers and duties of the council as it relates to
8 25 the service provided, which shall include the authority of
8 26 approving, on an annual basis, business plans submitted by the
8 27 department for performance of the service, the procedure for
8 28 resolving complaints concerning the service provided, and the
8 29 procedure for setting rates for the service. In addition, if
8 30 the service to be provided may also be provided to the
8 31 judicial branch and legislative branch, then the rules shall
8 32 provide that the chief justice of the supreme court and the
8 33 legislative council may, in their discretion, each appoint a
8 34 member to the applicable customer council.

8 35 3. Departmental processes required to be established
9 1 pursuant to this section shall provide, at a minimum, for
9 2 input from affected governmental entities as well as for a
9 3 biennial review by the appropriate customer council of the
9 4 decision made by the department that the department should be
9 5 the sole provider of a service.

9 6 4. The department shall annually prepare a listing
9 7 separately identifying services to be provided by the
9 8 department and funded by an appropriation, services to be
9 9 provided by the department and funded by the governmental
9 10 entity receiving the service, and services which the
9 11 department is authorized to provide but which governmental
9 12 entities may provide on their own or obtain from another
9 13 provider of the service.

9 14 Sec. 12. NEW SECTION. 8A.122 SERVICES TO GOVERNMENTAL
9 15 ENTITIES.

9 16 1. The director shall enter into agreements with state
9 17 agencies, and may enter into agreements with any other

9 18 governmental entity, to furnish services and facilities of the
9 19 department to the applicable governmental entity. The
9 20 agreement shall provide for the reimbursement to the
9 21 department of the reasonable cost of the services and
9 22 facilities furnished. All governmental entities of this state
9 23 may enter into such agreements.

9 24 2. This chapter does not affect any city civil service
9 25 programs established under chapter 400.

9 26 3. The state board of regents shall not be required to
9 27 obtain any service for the state board of regents or any
9 28 institution under the control of the state board of regents
9 29 that is provided by the department pursuant to this chapter
9 30 without the consent of the state board of regents.

9 31 Sec. 13. NEW SECTION. 8A.123 DEPARTMENT INTERNAL SERVICE
9 32 FUNDS.

9 33 1. Activities of the department shall be accounted for
9 34 within the general fund of the state, except that the director
9 35 may establish and maintain internal service funds in
10 1 accordance with generally accepted accounting principles, as
10 2 defined in section 8.57, subsection 4, for activities of the
10 3 department which are primarily funded from billings to
10 4 governmental entities for services rendered by the department.
10 5 The establishment of an internal service fund is subject to
10 6 the approval of the director of the department of management
10 7 and the concurrence of the auditor of state. At least ninety
10 8 days prior to the establishment of an internal service fund
10 9 pursuant to this section, the director shall notify in writing
10 10 the general assembly, including the legislative council,
10 11 legislative fiscal committee, and the legislative fiscal
10 12 bureau.

10 13 2. Internal service funds shall be administered by the
10 14 department and shall consist of moneys collected by the
10 15 department from billings issued in accordance with section
10 16 8A.125 and any other moneys obtained or accepted by the
10 17 department, including but not limited to gifts, loans,
10 18 donations, grants, and contributions, which are designated to
10 19 support the activities of the individual internal service
10 20 funds. The director may obtain loans from the innovation fund
10 21 created in section 8.63 for deposit in an internal service
10 22 fund established pursuant to this section to provide seed and
10 23 investment capital to enhance the delivery of services
10 24 provided by the department.

10 25 3. The proceeds of an internal service fund established
10 26 pursuant to this section shall be used by the department for
10 27 the operations of the department consistent with this chapter.
10 28 The director may appoint the personnel necessary to ensure the
10 29 efficient provision of services funded pursuant to an internal
10 30 service fund established under this section. However, this
10 31 usage requirement shall not limit or restrict the department
10 32 from using proceeds from gifts, loans, donations, grants, and
10 33 contributions in conformance with any conditions, directions,
10 34 limitations, or instructions attached or related thereto.

10 35 4. Section 8.33 does not apply to any moneys in internal
11 1 service funds established pursuant to this section.
11 2 Notwithstanding section 12C.7, subsection 2, interest or
11 3 earnings on moneys deposited in these funds shall be credited
11 4 to these funds.

11 5 5. a. The director shall annually provide internal
11 6 service fund service business plans and financial reports to
11 7 the department of management and the general assembly. The
11 8 business plans may include the recommendation that a portion
11 9 of unexpended net income be periodically returned to the
11 10 appropriate funding source.

11 11 b. The department shall submit an annual report not later
11 12 than October 1 to the members of the general assembly and the
11 13 legislative fiscal bureau of the activities funded by and
11 14 expenditures made from an internal service fund established
11 15 pursuant to this section during the preceding fiscal year.

11 16 Sec. 14. NEW SECTION. 8A.124 ADDITIONAL PERSONNEL.

11 17 The department may employ, upon the approval of the
11 18 department of management, such additional personnel in excess
11 19 of the number of full-time equivalent positions authorized by
11 20 the general assembly if such additional personnel are
11 21 reasonable and necessary to perform such duties as required to
11 22 meet the needs of the department to provide services to other
11 23 governmental entities and as authorized by this chapter. The
11 24 director shall notify in writing the department of management,
11 25 the legislative fiscal committee, and the legislative fiscal
11 26 bureau of any additional personnel employed pursuant to this
11 27 section.

11 28 Sec. 15. NEW SECTION. 8A.125 BILLING == CREDIT CARD

11 29 PAYMENTS.

11 30 1. The director may bill a governmental entity for
11 31 services rendered by the department in accordance with the
11 32 duties of the department as provided in this chapter. Bills
11 33 may include direct, indirect, and developmental costs which
11 34 have not been funded by an appropriation to the department.
11 35 The department shall periodically render a billing statement
12 1 to a governmental entity outlining the cost of services
12 2 provided to the governmental entity. The amount indicated on
12 3 the statement shall be paid by the governmental entity and
12 4 amounts received by the department shall be considered
12 5 repayment receipts as defined in section 8.2, and deposited
12 6 into the accounts of the department.

12 7 2. In addition to other forms of payment, a person may pay
12 8 by credit card for services provided by the department,
12 9 according to rules adopted by the treasurer of state. The
12 10 credit card fees to be charged shall not exceed those
12 11 permitted by statute. A governmental entity may adjust its
12 12 payment to reflect the costs of processing as determined by
12 13 the treasurer of state. The discount charged by the credit
12 14 card issuer may be included in determining the fees to be paid
12 15 for completing a financial transaction under this section by
12 16 using a credit card. All credit card payments shall be
12 17 credited to the fund used to account for the services
12 18 provided.

12 19 Sec. 16. NEW SECTION. 8A.126 DEPARTMENT DEBTS AND
12 20 LIABILITIES == APPROPRIATION REQUEST.

12 21 If a service provided by the department and funded from an
12 22 internal service fund established under section 8A.123 ceases
12 23 to be provided and insufficient funds remain in the internal
12 24 service fund to pay any outstanding debts and liabilities
12 25 relating to that service, the director shall notify the
12 26 general assembly and request that moneys be appropriated from
12 27 the general fund of the state to pay such debts and
12 28 liabilities.

12 29 ARTICLE 2
12 30 INFORMATION TECHNOLOGY
12 31 GENERAL PROVISIONS

12 32 Sec. 17. NEW SECTION. 8A.201 DEFINITIONS.

12 33 As used in this article, unless the context otherwise
12 34 requires:

12 35 1. "Information technology" means computing and
13 1 electronics applications used to process and distribute
13 2 information in digital and other forms and includes
13 3 information technology devices, information technology
13 4 services, and value-added services.

13 5 2. "Information technology council" means the information
13 6 technology council established in section 8A.204.

13 7 3. "Information technology device" means equipment or
13 8 associated software, including programs, languages,
13 9 procedures, or associated documentation, used in operating the
13 10 equipment which is designed for utilizing information stored
13 11 in an electronic format. "Information technology device"
13 12 includes but is not limited to computer systems, computer
13 13 networks, and equipment used for input, output, processing,
13 14 storage, display, scanning, and printing.

13 15 4. "Information technology services" means services
13 16 designed to do any of the following:

13 17 a. Provide functions, maintenance, and support of
13 18 information technology devices.

13 19 b. Provide services including, but not limited to, any of
13 20 the following:

13 21 (1) Computer systems application development and
13 22 maintenance.

13 23 (2) Systems integration and interoperability.

13 24 (3) Operating systems maintenance and design.

13 25 (4) Computer systems programming.

13 26 (5) Computer systems software support.

13 27 (6) Planning and security relating to information
13 28 technology devices.

13 29 (7) Data management consultation.

13 30 (8) Information technology education and consulting.

13 31 (9) Information technology planning and standards.

13 32 (10) Establishment of local area network and workstation
13 33 management standards.

13 34 5. "Participating agency" means any agency other than any
13 35 of the following:

14 1 a. The state board of regents and institutions operated
14 2 under the authority of the state board of regents.

14 3 b. The public broadcasting division of the department of
14 4 education.

14 5 c. The state department of transportation mobile radio
14 6 network.

14 7 d. The department of public safety law enforcement
14 8 communications systems and capitol complex security systems in
14 9 use for the legislative branch.

14 10 e. The telecommunications and technology commission
14 11 established in section 8D.3, with respect to information
14 12 technology that is unique to the Iowa communications network.

14 13 f. The Iowa lottery.

14 14 g. A judicial district department of correctional services
14 15 established pursuant to section 905.2.

14 16 6. "Value-added services" means services that offer or
14 17 provide unique, special, or enhanced value, benefits, or
14 18 features to the customer or user, including, but not limited
14 19 to, services in which information technology is specially
14 20 designed, modified, or adapted to meet the special or
14 21 requested needs of the user or customer, services involving
14 22 the delivery, provision, or transmission of information or
14 23 data that require or involve additional processing,
14 24 formatting, enhancement, compilation or security, services
14 25 that provide the customer or user with enhanced accessibility,
14 26 security or convenience, research and development services,
14 27 and services that are provided to support technological or
14 28 statutory requirements imposed on participating agencies and
14 29 other governmental entities, businesses, and the public.

14 30 Sec. 18. NEW SECTION. 8A.202 INFORMATION TECHNOLOGY
14 31 SERVICES == MISSION == POWERS AND DUTIES == RESPONSIBILITIES.

14 32 1. MISSION. The mission of the department as it relates
14 33 to information technology services is to provide high-quality,
14 34 customer-focused information technology services and business
14 35 solutions to government and to citizens.

15 1 2. POWERS AND DUTIES OF DEPARTMENT. The powers and duties
15 2 of the department as it relates to information technology
15 3 services shall include, but are not limited to, all of the
15 4 following:

15 5 a. Providing information technology to agencies and other
15 6 governmental entities.

15 7 b. Implementing the strategic information technology plan.

15 8 c. Developing and implementing a business continuity plan,
15 9 as the director determines is appropriate, to be used if a
15 10 disruption occurs in the provision of information technology
15 11 to participating agencies and other governmental entities.

15 12 d. Prescribing standards and adopting rules relating to
15 13 information technology and procurement, including but not
15 14 limited to system design and systems integration and
15 15 interoperability, which shall apply to all participating
15 16 agencies except as otherwise provided in this chapter. The
15 17 department shall implement information technology standards as
15 18 established pursuant to this chapter which are applicable to
15 19 information technology procurements for participating
15 20 agencies.

15 21 e. Prescribing standards and adopting rules relating to
15 22 standards for an electronic repository for maintaining
15 23 mandated agency reports as provided in section 304.13A. Such
15 24 repository shall be developed and maintained for the purpose
15 25 of providing public access to such mandated reports. The
15 26 department shall prescribe such standards and adopt rules
15 27 relating to such standards in consultation with the state
15 28 librarian.

15 29 f. Developing and maintaining security policies and
15 30 systems to ensure the integrity of the state's information
15 31 resources and to prevent the disclosure of confidential
15 32 records.

15 33 g. Developing and implementing effective and efficient
15 34 strategies for the use and provision of information technology
15 35 for participating agencies and other governmental entities.

16 1 h. Coordinating the acquisition of information technology
16 2 by participating agencies in furtherance of the purposes of
16 3 this chapter. The department shall institute procedures to
16 4 ensure effective and efficient compliance with the applicable
16 5 standards established pursuant to this article. This article
16 6 shall not be construed to prohibit or limit a participating
16 7 agency from entering into an agreement or contract for
16 8 information technology with a qualified private entity.

16 9 i. Entering into contracts, leases, licensing agreements,
16 10 royalty agreements, marketing agreements, memorandums of
16 11 understanding, or other agreements as necessary and
16 12 appropriate to administer this article.

16 13 j. Requesting that a participating agency provide such
16 14 information as is necessary to establish and maintain an
16 15 inventory of information technology used by participating

16 16 agencies, and such participating agency shall provide such
16 17 information to the department in a timely manner. The form
16 18 and content of the information to be provided shall be
16 19 determined by the department.

16 20 k. Charging reasonable fees, costs, expenses, charges, or
16 21 other amounts to an agency, governmental entity, public
16 22 official, or person or entity related to the provision, sale,
16 23 use, or utilization of, or cost sharing with respect to,
16 24 information technology and any intellectual property interests
16 25 related thereto, research and development, proprietary
16 26 hardware, software, and applications, and information
16 27 technology architecture and design. The department may enter
16 28 into nondisclosure agreements and take any other legal action
16 29 reasonably necessary to secure a right to an interest in
16 30 information technology development by or on behalf of the
16 31 state of Iowa and to protect the state of Iowa's proprietary
16 32 information technology and intellectual property interests.
16 33 The provisions of chapter 23A relating to noncompetition by
16 34 state agencies and political subdivisions with private
16 35 enterprise shall not apply to department activities authorized
17 1 under this paragraph.

17 2 l. Charging reasonable fees, costs, expenses, charges, or
17 3 other amounts to an agency, governmental entity, public
17 4 official, or other person or entity to or for whom information
17 5 technology or other services have been provided by or on
17 6 behalf of, or otherwise made available through, the
17 7 department.

17 8 m. Providing, selling, leasing, licensing, transferring,
17 9 or otherwise conveying or disposing of information technology,
17 10 or any intellectual property or other rights with respect
17 11 thereto, to agencies, governmental entities, public officials,
17 12 or other persons or entities.

17 13 n. Entering into partnerships, contracts, leases, or other
17 14 agreements with public and private entities for the evaluation
17 15 and development of information technology pilot projects.

17 16 o. Initiating and supporting the development of electronic
17 17 commerce, electronic government, and internet applications
17 18 across participating agencies and in cooperation with other
17 19 governmental entities. The department shall foster joint
17 20 development of electronic commerce and electronic government
17 21 involving the public and private sectors, develop customer
17 22 surveys and citizen outreach and education programs and
17 23 material, and provide for citizen input regarding the state's
17 24 electronic commerce and electronic government applications.

17 25 3. RESPONSIBILITIES. The responsibilities of the
17 26 department as it relates to information technology services
17 27 include the following:

17 28 a. Coordinate the activities of the department in
17 29 promoting, integrating, and supporting information technology
17 30 in all business aspects of state government.

17 31 b. Provide for server systems, including mainframe and
17 32 other server operations, desktop support, and applications
17 33 integration.

17 34 c. Provide applications development, support, and
17 35 training, and advice and assistance in developing and
18 1 supporting business applications throughout state government.

18 2 4. INFORMATION TECHNOLOGY CHARGES. The department shall
18 3 render a statement to an agency, governmental entity, public
18 4 official, or other person or entity to or for whom information
18 5 technology, value-added services, or other items or services
18 6 have been provided by or on behalf of, or otherwise made
18 7 available through, the department. Such an agency,
18 8 governmental entity, public official, or other person or
18 9 entity shall pay an amount indicated on such statement in a
18 10 manner determined by the department.

18 11 5. DISPUTE RESOLUTION. If a dispute arises between the
18 12 department and an agency for which the department provides or
18 13 refuses to provide information technology, the dispute shall
18 14 be resolved as provided in section 679A.19.

18 15 Sec. 19. NEW SECTION. 8A.203 DIRECTOR == INFORMATION
18 16 TECHNOLOGY SERVICES POWERS AND DUTIES.

18 17 The director shall do all of the following as it relates to
18 18 information technology services:

18 19 1. Prescribe and adopt information technology standards
18 20 and rules.

18 21 2. Develop and recommend legislative proposals deemed
18 22 necessary for the continued efficiency of the department in
18 23 performing information technology functions, and review
18 24 legislative proposals generated outside of the department
18 25 which are related to matters within the department's purview.

18 26 3. Provide advice to the governor on issues related to

18 27 information technology.
18 28 4. Consult with agencies and other governmental entities
18 29 on issues relating to information technology.
18 30 5. Work with all governmental entities in an effort to
18 31 achieve the information technology goals established by the
18 32 department.

18 33 Sec. 20. NEW SECTION. 8A.204 INFORMATION TECHNOLOGY
18 34 COUNCIL == MEMBERS == POWERS AND DUTIES.

18 35 1. MEMBERSHIP.

19 1 a. The information technology council is composed of
19 2 fourteen members including the following:
19 3 (1) The chairperson of the IowAccess advisory council
19 4 established in section 8A.221, or the chairperson's designee.
19 5 (2) Two executive branch department heads appointed by the
19 6 governor.
19 7 (3) Six persons appointed by the governor who are
19 8 knowledgeable in information technology matters.
19 9 (4) One person representing the judicial branch appointed
19 10 by the chief justice of the supreme court who shall serve in
19 11 an ex officio, nonvoting capacity.
19 12 (5) Four members of the general assembly with not more
19 13 than one member from each house being from the same political
19 14 party. The two senators shall be designated by the president
19 15 of the senate after consultation with the majority and
19 16 minority leaders of the senate. The two representatives shall
19 17 be designated by the speaker of the house of representatives
19 18 after consultation with the majority and minority leaders of
19 19 the house of representatives. Legislative members shall serve
19 20 in an ex officio, nonvoting capacity. A legislative member is
19 21 eligible for per diem and expenses as provided in section
19 22 2.10.

19 23 b. The members appointed pursuant to paragraph "a" shall
19 24 serve four-year staggered terms and such appointments to the
19 25 information technology council are subject to the requirements
19 26 of sections 69.16, 69.16A, and 69.19. The four-year terms of
19 27 members appointed by the governor shall be staggered as
19 28 designated by the governor. Members appointed by the governor
19 29 are subject to senate confirmation and may also be eligible to
19 30 receive compensation as provided in section 7E.6. Members
19 31 shall be reimbursed for actual and necessary expenses incurred
19 32 in performance of the members' duties.

19 33 c. The information technology council shall annually elect
19 34 its own chairperson from among the voting members of the
19 35 council. A majority of the voting members of the council
20 1 constitutes a quorum.

20 2 2. DUTIES. The information technology council shall do
20 3 all of the following:

20 4 a. Advise the department in the development of recommended
20 5 standards for consideration with respect to the procurement of
20 6 information technology by all participating agencies.

20 7 b. Appoint advisory committees as appropriate to assist
20 8 the department in developing strategies for the use and
20 9 provision of information technology and establishing other
20 10 advisory committees as necessary to assist the information
20 11 technology council in carrying out its duties under this
20 12 article. The number of advisory committees and their
20 13 membership shall be determined by the information technology
20 14 council to assure that the public and agencies and other
20 15 governmental entities have an opportunity to comment on the
20 16 services provided and the service goals and objectives of the
20 17 department.

20 18 c. Advise the department in the preparation and annual
20 19 update of the strategic information technology plan for the
20 20 use of information technology throughout state government.
20 21 The plan shall promote participation in cooperative projects
20 22 with other governmental entities. The plan shall establish a
20 23 mission, goals, and objectives for the use of information
20 24 technology, including goals for electronic access to public
20 25 records, information, and services. The plan shall be
20 26 submitted annually to the governor and the general assembly.

20 27 d. Review, as deemed appropriate by the information
20 28 technology council, legislative proposals recommended by the
20 29 director, or other legislative proposals as developed and
20 30 deemed necessary by the information technology council.

20 31 e. Review the recommendations of the IowAccess advisory
20 32 council regarding rates to be charged for access to and for
20 33 value-added services performed through IowAccess. The
20 34 information technology council shall report the establishment
20 35 of a new rate or change in the level of an existing rate to
21 1 the department who will then notify the department of
21 2 management, and the department of management shall notify the

21 3 legislative fiscal bureau regarding the rate establishment or
21 4 change.

21 5 Sec. 21. NEW SECTION. 8A.205 DIGITAL GOVERNMENT.

21 6 1. The department is responsible for initiating and
21 7 supporting the development of electronic commerce, electronic
21 8 government, and internet applications across participating
21 9 agencies and in cooperation with other governmental entities.

21 10 2. In developing the concept of digital government, the
21 11 department shall do all of the following:

21 12 a. Establish standards, consistent with other state law,
21 13 for the implementation of electronic commerce, including
21 14 standards for digital signatures, electronic currency, and
21 15 other items associated with electronic commerce.

21 16 b. Establish guidelines for the appearance and functioning
21 17 of applications.

21 18 c. Establish standards for the integration of electronic
21 19 data across state agencies.

21 20 d. Foster joint development of electronic commerce and
21 21 electronic government involving the public and private
21 22 sectors.

21 23 e. Develop customer surveys and citizen outreach and
21 24 education programs and material, and provide for citizen input
21 25 regarding the state's electronic commerce and electronic
21 26 government applications.

21 27 f. Provide staff support for the IowAccess advisory
21 28 council.

21 29 Sec. 22. NEW SECTION. 8A.206 INFORMATION TECHNOLOGY
21 30 STANDARDS.

21 31 1. The department shall develop, in consultation with the
21 32 information technology council, recommended standards for
21 33 consideration with respect to the procurement of information
21 34 technology by all participating agencies. It is the intent of
21 35 the general assembly that information technology standards be
22 1 established for the purpose of guiding such procurements.
22 2 Such standards, unless waived by the department, shall apply
22 3 to all information technology procurements for participating
22 4 agencies.

22 5 2. The office of the governor or the office of an elective
22 6 constitutional or statutory officer shall consult with the
22 7 department prior to procuring information technology and
22 8 consider the standards recommended by the department, and
22 9 provide a written report to the department relating to the
22 10 office's decision regarding such acquisitions.

22 11 Sec. 23. NEW SECTION. 8A.207 PROCUREMENT OF INFORMATION
22 12 TECHNOLOGY.

22 13 1. Standards established by the department, unless waived
22 14 by the department, shall apply to all information technology
22 15 procurements for participating agencies.

22 16 2. The department shall institute procedures to ensure
22 17 effective and efficient compliance with standards established
22 18 by the department.

22 19 3. The department, by rule, may implement a
22 20 prequalification procedure for contractors with which the
22 21 department has entered or intends to enter into agreements
22 22 regarding the procurement of information technology.

22 23 4. Notwithstanding the provisions governing purchasing as
22 24 provided in article 3, the department may procure information
22 25 technology as provided in this section. The department may
22 26 cooperate with other governmental entities in the procurement
22 27 of information technology in an effort to make such
22 28 procurements in a cost-effective, efficient manner as provided
22 29 in this section. The department, as deemed appropriate and
22 30 cost-effective, may procure information technology using any
22 31 of the following methods:

22 32 a. Cooperative procurement agreement. The department may
22 33 enter into a cooperative procurement agreement with another
22 34 governmental entity relating to the procurement of information
22 35 technology, whether such information technology is for the use
23 1 of the department or other governmental entities. The
23 2 cooperative procurement agreement shall clearly specify the
23 3 purpose of the agreement and the method by which such purpose
23 4 will be accomplished. Any power exercised under such
23 5 agreement shall not exceed the power granted to any party to
23 6 the agreement.

23 7 b. Negotiated contract. The department may enter into an
23 8 agreement for the purchase of information technology if any of
23 9 the following applies:

23 10 (1) The contract price, terms, and conditions are pursuant
23 11 to the current federal supply contract, and the purchase order
23 12 adequately identifies the federal supply contract under which
23 13 the procurement is to be made.

23 14 (2) The contract price, terms, and conditions are no less
23 15 favorable than the contractor's current federal supply
23 16 contract price, terms, and conditions; the contractor has
23 17 indicated in writing a willingness to extend such price,
23 18 terms, and conditions to the department; and the purchase
23 19 order adequately identifies the contract relied upon.

23 20 (3) The contract is with a vendor which has a current
23 21 exclusive or nonexclusive price agreement with the state for
23 22 the information technology to be procured, and such
23 23 information technology meets the same standards and
23 24 specifications as the items to be procured and both of the
23 25 following apply:

23 26 (a) The quantity purchased does not exceed the quantity
23 27 which may be purchased under the applicable price agreement.

23 28 (b) The purchase order adequately identifies the price
23 29 agreement relied upon.

23 30 c. Contracts let by another governmental entity. The
23 31 department, on its own behalf or on the behalf of another
23 32 participating agency or governmental entity, may procure
23 33 information technology under a contract let by another agency
23 34 or other governmental entity, or approve such procurement in
23 35 the same manner by a participating agency or governmental
24 1 entity.

24 2 d. Reverse auction.

24 3 (1) The department may enter into an agreement for the
24 4 purchase of information technology utilizing a reverse auction
24 5 process. Such process shall result in the purchase of
24 6 information technology from the vendor submitting the lowest
24 7 responsible bid amount for the information technology to be
24 8 acquired. The department, in establishing a reverse auction
24 9 process, shall do all of the following:

24 10 (a) Determine the specifications and requirements of the
24 11 information technology to be acquired.

24 12 (b) Identify and provide notice to potential vendors
24 13 concerning the proposed acquisition.

24 14 (c) Establish prequalification requirements to be met by a
24 15 vendor to be eligible to participate in the reverse auction.

24 16 (d) Conduct the reverse auction in a manner as deemed
24 17 appropriate by the department, and consistent with rules
24 18 adopted by the department.

24 19 (2) Prior to conducting a reverse auction, the department
24 20 shall establish a threshold amount which shall be the maximum
24 21 amount which the department is willing to pay for the
24 22 information technology to be acquired.

24 23 (3) The department shall enter into an agreement with a
24 24 vendor who is the lowest responsible bidder which meets the
24 25 specifications or description of the information technology to
24 26 be procured, or the department may reject all bids and begin
24 27 the process again. In determining the lowest responsible
24 28 bidder, the department may consider various factors,
24 29 including, but not limited to, the past performance of the
24 30 vendor relative to quality of product or service, the past
24 31 experience of the department in relation to the product or
24 32 service, the relative quality of products or services, the
24 33 proposed terms of delivery, and the best interest of the
24 34 state.

24 35 e. Competitive bidding. The department may enter into an
25 1 agreement for the procurement or acquisition of information
25 2 technology in the same manner as provided under article III
25 3 for the purchasing of service.

25 4 f. Other agreements. In addition to the competitive
25 5 bidding procedure provided for under paragraph "e", the
25 6 department may enter into an agreement for the purchase,
25 7 disposal, or other disposition of information technology in
25 8 the same manner and subject to the same limitations as
25 9 otherwise provided in this chapter. The department, by rule,
25 10 shall provide for such procedures.

25 11 5. The department shall adopt rules pursuant to chapter
25 12 17A to implement the procurement methods and procedures
25 13 provided for in subsections 2 through 4.

25 14 IOWACCESS
25 15 Sec. 24. NEW SECTION. 8A.221 IOWACCESS ADVISORY COUNCIL
25 16 ESTABLISHED == DUTIES == MEMBERSHIP.

25 17 1. ADVISORY COUNCIL ESTABLISHED. An IowAccess advisory
25 18 council is established within the department for the purpose
25 19 of creating and providing a service to the citizens of this
25 20 state that is the gateway for one-stop electronic access to
25 21 government information and transactions, whether federal,
25 22 state, or local. Except as provided in this section,
25 23 IowAccess shall be a state-funded service providing access to
25 24 government information and transactions. The department, in

25 25 establishing the fees for value-added services, shall consider
25 26 the reasonable cost of creating and organizing such government
25 27 information through IowAccess.

25 28 2. DUTIES.

25 29 a. The advisory council shall do all of the following:

25 30 (1) Recommend to the information technology council rates
25 31 to be charged for access to and for value-added services
25 32 performed through IowAccess.

25 33 (2) Recommend to the director the priority of projects
25 34 associated with IowAccess.

25 35 (3) Recommend to the director expected outcomes and
26 1 effects of the use of IowAccess and determine the manner in
26 2 which such outcomes are to be measured and evaluated.

26 3 (4) Review and recommend to the director the IowAccess
26 4 total budget request and ensure that such request reflects the
26 5 priorities and goals of IowAccess as established by the
26 6 advisory council.

26 7 (5) Review and recommend to the director all rules to be
26 8 adopted by the department that are related to IowAccess.

26 9 (6) Advocate for access to government information and
26 10 services through IowAccess and for data privacy protection,
26 11 information ethics, accuracy, and security in IowAccess
26 12 programs and services.

26 13 (7) Receive status and operations reports associated with
26 14 IowAccess.

26 15 (8) Other duties as assigned by the director.

26 16 b. The advisory council shall also advise the director
26 17 with respect to the operation of IowAccess and encourage and
26 18 implement access to government and its public records by the
26 19 citizens of this state.

26 20 c. The advisory council shall serve as a link between the
26 21 users of public records, the lawful custodians of such public
26 22 records, and the citizens of this state who are the owners of
26 23 such public records.

26 24 d. The advisory council shall ensure that IowAccess gives
26 25 priority to serving the needs of the citizens of this state.

26 26 3. MEMBERSHIP.

26 27 a. The advisory council shall be composed of nineteen
26 28 members including the following:

26 29 (1) Five persons appointed by the governor representing
26 30 the primary customers of IowAccess.

26 31 (2) Six persons representing lawful custodians as follows:

26 32 (a) One person representing the legislative branch, who
26 33 shall not be a member of the general assembly, to be appointed
26 34 jointly by the president of the senate, after consultation
26 35 with the majority and minority leaders of the senate, and by
27 1 the speaker of the house of representatives, after
27 2 consultation with the majority and minority leaders of the
27 3 house of representatives.

27 4 (b) One person representing the judicial branch as
27 5 designated by the chief justice of the supreme court.

27 6 (c) One person representing the executive branch as
27 7 designated by the governor.

27 8 (d) One person to be appointed by the governor
27 9 representing cities who shall be actively engaged in the
27 10 administration of a city.

27 11 (e) One person to be appointed by the governor
27 12 representing counties who shall be actively engaged in the
27 13 administration of a county.

27 14 (f) One person to be appointed by the governor
27 15 representing the federal government.

27 16 (3) Four members to be appointed by the governor
27 17 representing a cross section of the citizens of the state.

27 18 (4) Four members of the general assembly, two from the
27 19 senate and two from the house of representatives, with not
27 20 more than one member from each chamber being from the same
27 21 political party. The two senators shall be designated by the
27 22 president of the senate after consultation with the majority
27 23 and minority leaders of the senate. The two representatives
27 24 shall be designated by the speaker of the house of
27 25 representatives after consultation with the majority and
27 26 minority leaders of the house of representatives. Legislative
27 27 members shall serve in an ex officio, nonvoting capacity. A
27 28 legislative member is eligible for per diem and expenses as
27 29 provided in section 2.10.

27 30 b. Members appointed by the governor are subject to
27 31 confirmation by the senate and shall serve four-year staggered
27 32 terms as designated by the governor. The advisory council
27 33 shall annually elect its own chairperson from among the voting
27 34 members of the board. Members appointed by the governor are
27 35 subject to the requirements of sections 69.16, 69.16A, and

28 1 69.19. Members appointed by the governor shall be reimbursed
28 2 for actual and necessary expenses incurred in performance of
28 3 their duties. Such members may also be eligible to receive
28 4 compensation as provided in section 7E.6.

28 5 4. This section shall not be construed to impair the right
28 6 of a person to contract to purchase information or data from
28 7 the Iowa court information system or any other governmental
28 8 entity. This section shall not be construed to affect a data
28 9 purchase agreement or contract in existence on April 25, 2000.

28 10 Sec. 25. NEW SECTION. 8A.222 FINANCIAL TRANSACTIONS.

28 11 1. Moneys paid to a participating agency from persons who
28 12 complete an electronic financial transaction with the agency
28 13 by accessing IowAccess shall be transferred to the treasurer
28 14 of state for deposit in the general fund of the state, unless
28 15 the disposition of the moneys is specifically provided for
28 16 under other law. The moneys may include all of the following:

28 17 a. Fees required to obtain an electronic public record as
28 18 provided in section 22.3A.

28 19 b. Fees required to process an application or file a
28 20 document, including but not limited to fees required to obtain
28 21 a license issued by a licensing authority.

28 22 c. Moneys owed to a governmental entity by a person
28 23 accessing IowAccess in order to satisfy a liability arising
28 24 from the operation of law, including the payment of
28 25 assessments, taxes, fines, and civil penalties.

28 26 2. Moneys transferred using IowAccess may include amounts
28 27 owed by a governmental entity to a person accessing IowAccess
28 28 in order to satisfy a liability of the governmental entity.
28 29 The moneys may include the payment of tax refunds, and the
28 30 disbursement of support payments as defined in section 252D.16
28 31 or 598.1 as required for orders issued pursuant to section
28 32 252B.14.

28 33 3. In addition to other forms of payment, credit cards
28 34 shall be accepted in payment for moneys owed to or fees
28 35 imposed by a governmental entity in the same manner as
29 1 provided in section 8A.125.

29 2 4. Notwithstanding any other provision of this section,
29 3 the department may establish for the fiscal years beginning
29 4 July 1, 2003, and ending June 30, 2005, a pilot project for
29 5 fee collection. Fees shall be collected based on the ability
29 6 to access court information from remote locations.

29 7 Sec. 26. NEW SECTION. 8A.223 AUDITS REQUIRED.

29 8 A technology audit of the electronic transmission system by
29 9 which government records are transmitted electronically to the
29 10 public shall be conducted not less than once annually for the
29 11 purpose of determining that government records and other
29 12 electronic data are not misappropriated or misused by the
29 13 department or a contractor of the department.

29 14 Sec. 27. NEW SECTION. 8A.224 IOWACCESS REVOLVING FUND.

29 15 An IowAccess revolving fund is created in the state
29 16 treasury. The revolving fund shall be administered by the
29 17 department and shall consist of moneys collected by the
29 18 department as fees, moneys appropriated by the general
29 19 assembly, and any other moneys obtained or accepted by the
29 20 department for deposit in the revolving fund. The proceeds of
29 21 the revolving fund are appropriated to and shall be used by
29 22 the department to maintain, develop, operate, and expand
29 23 IowAccess consistent with this article. The department shall
29 24 submit an annual report not later than January 31 to the
29 25 members of the general assembly and the legislative fiscal
29 26 bureau, of the activities funded by and expenditures made from
29 27 the revolving fund during the preceding fiscal year. Section
29 28 8.33 does not apply to any moneys in the revolving fund and,
29 29 notwithstanding section 12C.7, subsection 2, earnings or
29 30 interest on moneys deposited in the revolving fund shall be
29 31 credited to the revolving fund.

29 32 ARTICLE 3

29 33 PHYSICAL RESOURCES

29 34 GENERAL PROVISIONS

29 35 Sec. 28. NEW SECTION. 8A.301 DEFINITIONS.

30 1 When used in this article, unless the context otherwise
30 2 requires:

30 3 1. "Bid specification" means the standards or qualities
30 4 which must be met before a contract to purchase will be
30 5 awarded and any terms which the director has set as a
30 6 condition precedent to the awarding of a contract.

30 7 2. "Competitive bidding procedure" means the advertisement
30 8 for, solicitation of, or the procurement of bids; the manner
30 9 and condition in which bids are received; and the procedure by
30 10 which bids are opened, accessed, accepted, rejected, or
30 11 awarded. A "competitive bidding procedure" may include a

30 12 transaction accomplished in an electronic format.

30 13 3. "Life cycle cost" means the expected total cost of
30 14 ownership during the life of a product.

30 15 4. "Printing" means, as used in chapter 7A and this
30 16 article, the reproduction of an image from a printing surface
30 17 made generally by a contact impression that causes a transfer
30 18 of ink, the reproduction of an impression by a photographic
30 19 process, or the reproduction of an image by electronic means
30 20 and shall include binding and may include material, processes,
30 21 or operations necessary to produce a finished printed product,
30 22 but shall not include binding, rebinding or repairs of books,
30 23 journals, pamphlets, magazines and literary articles by any
30 24 library of the state or any of its offices, departments,
30 25 boards, and commissions held as a part of their library
30 26 collection.

30 27 5. "State buildings and grounds" excludes any building
30 28 under the custody and control of the Iowa public employees'
30 29 retirement system.

30 30 Sec. 29. NEW SECTION. 8A.302 DEPARTMENTAL DUTIES ==
30 31 PHYSICAL RESOURCES.

30 32 The duties of the department as it relates to the physical
30 33 resources of state government shall include but not
30 34 necessarily be limited to the following:

30 35 1. Providing a system of uniform standards and
31 1 specifications for purchasing. When the system is developed,
31 2 all items of general use shall be purchased by state agencies
31 3 through the department, except items used by the state
31 4 department of transportation, institutions under the control
31 5 of the state board of regents, the department for the blind,
31 6 and any other agencies exempted by law. However, items of
31 7 general use may be purchased through the department by any
31 8 governmental entity.

31 9 2. Providing for the proper maintenance of the state
31 10 capitol, grounds, and equipment, and all other state buildings
31 11 and grounds, and equipment at the seat of government, and of
31 12 the state laboratories facility in Ankeny, except those
31 13 referred to in section 216B.3, subsection 6.

31 14 3. Providing for mail services for all state officials,
31 15 agencies, and departments located at the seat of government.
31 16 However, postage shall not be furnished to the general
31 17 assembly, its members, officers, employees, or committees.

31 18 4. Providing architectural services, contracting for
31 19 construction and construction oversight for state agencies
31 20 except for the state board of regents, department of
31 21 transportation, national guard, natural resource commission,
31 22 and the Iowa public employees' retirement system. Capital
31 23 funding appropriated to state agencies, except to the state
31 24 board of regents, department of transportation, national
31 25 guard, natural resource commission, and the Iowa public
31 26 employees' retirement system, for property management shall be
31 27 transferred for administration to the director of the
31 28 department of administrative services.

31 29 5. Developing and implementing procedures to conduct
31 30 transactions, including purchasing, authorized by this article
31 31 in an electronic format to the extent determined appropriate
31 32 by the department. The director shall adopt rules
31 33 establishing criteria for competitive bidding procedures
31 34 involving transactions in an electronic format, including
31 35 criteria for accepting or rejecting bids which are
32 1 electronically transmitted to the department, and for
32 2 establishing with reasonable assurance the authenticity of the
32 3 bid and the bidder's identity.

32 4 6. Providing insurance for motor vehicles owned by the
32 5 state.

32 6 PURCHASING

32 7 Sec. 30. NEW SECTION. 8A.311 COMPETITIVE BIDDING ==
32 8 PREFERENCES == RECIPROCAL APPLICATION == DIRECT PURCHASING.

32 9 The director shall adopt rules establishing competitive
32 10 bidding procedures.

32 11 1. All equipment, supplies, or services procured by the
32 12 department shall be purchased by a competitive bidding
32 13 procedure. However, the director may exempt by rule purchases
32 14 of noncompetitive items and purchases in lots or quantities
32 15 too small to be effectively purchased by competitive bidding.
32 16 Preference shall be given to purchasing Iowa products and
32 17 purchases from Iowa-based businesses if the Iowa-based
32 18 business bids submitted are comparable in price to bids
32 19 submitted by out-of-state businesses and otherwise meet the
32 20 required specifications. If the laws of another state mandate
32 21 a percentage preference for businesses or products from that
32 22 state and the effect of the preference is that bids of Iowa

32 23 businesses or products that are otherwise low and responsive
32 24 are not selected in the other state, the same percentage
32 25 preference shall be applied to Iowa businesses and products
32 26 when businesses or products from that other state are bid to
32 27 supply Iowa requirements.

32 28 2. The director may also exempt the purchase of an item or
32 29 service from a competitive bidding procedure when the director
32 30 determines that the best interests of the state will be served
32 31 by the exemption which shall be based on one of the following:
32 32 a. An immediate or emergency need existing for the item or
32 33 service.
32 34 b. A need to protect the health, safety, or welfare of
32 35 persons occupying or visiting a public improvement or property
33 1 located adjacent to the public improvement.

33 2 3. a. The director may contract for the purchase of items
33 3 or services by the department. Contracts for the purchase of
33 4 items or services shall be awarded on the basis of the lowest
33 5 competent bid. Contracts not based on competitive bidding
33 6 shall be awarded on the basis of bidder competence and
33 7 reasonable price.
33 8 b. Architectural and engineering services shall be
33 9 procured in a reasonable manner, as the director by rule may
33 10 determine, on the basis of competence and qualification for
33 11 the type of services required and for a fair and reasonable
33 12 price.

33 13 4. The director may refuse all bids on any item or service
33 14 and request new bids.

33 15 5. The director shall establish by rule the amount of
33 16 security, if any, to accompany a bid or as a condition
33 17 precedent to the awarding of any contract and the
33 18 circumstances under which a security will be returned to the
33 19 bidder or forfeited to the state.

33 20 6. The director shall adopt rules providing a method for
33 21 the various state agencies to file with the department a list
33 22 of those supplies, equipment, machines, and all items needed
33 23 to properly perform their governmental duties and functions.

33 24 7. The director shall furnish a list of specifications,
33 25 prices, and discounts of contract items to any governmental
33 26 subdivision which shall be responsible for payment to the
33 27 vendor under the terms and conditions outlined in the state
33 28 contract.

33 29 8. The director shall adopt rules providing that any state
33 30 agency may, upon request, purchase directly from a vendor if
33 31 the direct purchasing is as economical or more economical than
33 32 purchasing through the department, or upon a showing that
33 33 direct purchasing by the state agency would be in the best
33 34 interests of the state due to an immediate or emergency need.
33 35 The rules shall include a provision permitting a state agency
34 1 to purchase directly from a vendor, on the agency's own
34 2 authority, if the purchase will not exceed five thousand
34 3 dollars and the purchase will contribute to the agency
34 4 complying with or exceeding the targeted small business
34 5 procurement goals under sections 73.15 through 73.21.

34 6 Any member of the executive council may bring before the
34 7 executive council for review a decision of the director
34 8 granting a state agency request for direct purchasing. The
34 9 executive council shall hear and review the director's
34 10 decision in the same manner as an appeal filed by an aggrieved
34 11 bidder, except that the three-day period for filing for review
34 12 shall not apply.

34 13 9. a. When the estimated total cost of construction,
34 14 erection, demolition, alteration, or repair of a public
34 15 improvement exceeds twenty-five thousand dollars, the
34 16 department shall solicit bids on the proposed improvement by
34 17 publishing an advertisement in a print format. The
34 18 advertisement shall appear in two publications in a newspaper
34 19 published in the county in which the work is to be done. The
34 20 first advertisement for bids appearing in a newspaper shall be
34 21 not less than fifteen days prior to the date set for receiving
34 22 bids. The department may publish an advertisement in an
34 23 electronic format as an additional method of soliciting bids
34 24 under this paragraph.
34 25 b. In awarding a contract under this subsection, the
34 26 department shall let the work to the lowest responsible bidder
34 27 submitting a sealed proposal. However, if the department
34 28 considers the bids received not to be acceptable, all bids may
34 29 be rejected and new bids requested. A bid shall be
34 30 accompanied by a certified or cashier's check or bid bond in
34 31 an amount designated in the advertisement for bids as security
34 32 that the bidder will enter into a contract for the work
34 33 requested. The department shall establish the bid security in

34 34 an amount equal to at least five percent, but not more than
34 35 ten percent of the estimated total cost of the work. The
35 1 certified or cashier's checks or bid bonds of unsuccessful
35 2 bidders shall be returned as soon as the successful bidder is
35 3 determined. The certified or cashier's check or bid bond of
35 4 the successful bidder shall be returned upon execution of the
35 5 contract. This subsection does not apply to the construction,
35 6 erection, demolition, alteration, or repair of a public
35 7 improvement when the contracting procedure for the work
35 8 requested is otherwise provided for in law.

35 9 10. The state and its political subdivisions shall give
35 10 preference to purchasing Iowa products and purchasing from
35 11 Iowa-based businesses if the bids submitted are comparable in
35 12 price to those submitted by other bidders and meet the
35 13 required specifications.

35 14 11. The director shall adopt rules which require that each
35 15 bid received for the purchase of items purchased by the
35 16 department includes a product content statement which provides
35 17 the percentage of the content of the item which is reclaimed
35 18 material.

35 19 12. The director shall review and, where necessary, revise
35 20 specifications used by state agencies to procure products in
35 21 order to ensure all of the following:

35 22 a. The procurement of products containing recovered
35 23 materials, including but not limited to lubricating oils,
35 24 retread tires, building insulation materials, and recovered
35 25 materials from waste tires. The specifications shall be
35 26 revised if they restrict the use of alternative materials,
35 27 exclude recovered materials, or require performance standards
35 28 which exclude products containing recovered materials unless
35 29 the agency seeking the product can document that the use of
35 30 recovered materials will hamper the intended use of the
35 31 product.

35 32 b. The procurement by state agencies of bio-based
35 33 hydraulic fluids, greases, and other industrial lubricants
35 34 manufactured from soybeans in accordance with the requirements
35 35 of section 8A.316.

36 1 13. A bidder awarded a state construction contract shall
36 2 disclose the names of all subcontractors, who will work on the
36 3 project being bid, within forty-eight hours after the award of
36 4 the contract.

36 5 If a subcontractor named by a bidder awarded a state
36 6 construction contract is replaced, or if the cost of work to
36 7 be done by a subcontractor is reduced, the bidder shall
36 8 disclose the name of the new subcontractor or the amount of
36 9 the reduced cost.

36 10 14. A state agency shall make every effort to purchase
36 11 those products produced for sale by sheltered workshops, work
36 12 activity centers, and other special programs funded in whole
36 13 or in part by public moneys that employ persons with mental
36 14 retardation or other developmental disabilities or mental
36 15 illness if the products meet the required specifications.

36 16 15. A state agency shall make every effort to purchase
36 17 products produced for sale by employers of persons in
36 18 supported employment.

36 19 16. The department shall not award a contract to a bidder
36 20 for a construction, reconstruction, demolition, or repair
36 21 project or improvement with an estimated cost that exceeds
36 22 twenty-five thousand dollars in which the bid requires the use
36 23 of inmate labor supplied by the department of corrections, but
36 24 not employed by private industry pursuant to section 904.809,
36 25 to perform the project or improvement.

36 26 17. This section does not apply to Iowa technology center
36 27 contracts in support of activities performed for another
36 28 governmental entity, either state or federal. The Iowa
36 29 technology center is an entity created by a chapter 28E
36 30 agreement entered into by the department of public defense.

36 31 18. Life cycle cost and energy efficiency shall be
36 32 included in the criteria used by the department, institutions
36 33 under the control of the state board of regents, the
36 34 department of transportation, the department for the blind,
36 35 and other state agencies in developing standards and
37 1 specifications for purchasing energy-consuming products. For
37 2 purposes of this subsection, the life cycle costs of American
37 3 motor vehicles shall be reduced by five percent in order to
37 4 determine if the motor vehicle is comparable to foreign-made
37 5 motor vehicles. "American motor vehicles" includes those
37 6 vehicles manufactured in this state and those vehicles in
37 7 which at least seventy percent of the value of the motor
37 8 vehicle was manufactured in the United States or Canada and at
37 9 least fifty percent of the motor vehicle sales of the

37 10 manufacturer are in the United States or Canada. In
37 11 determining the life cycle costs of a motor vehicle, the costs
37 12 shall be determined on the basis of the bid price, the resale
37 13 value, and the operating costs based upon a useable life of
37 14 five years or seventy-five thousand miles, whichever occurs
37 15 first.

37 16 19. Preference shall be given to purchasing American-made
37 17 products and purchases from American-based businesses if the
37 18 life cycle costs are comparable to those products of foreign
37 19 businesses and which most adequately fulfill the department's
37 20 need.

37 21 Sec. 31. NEW SECTION. 8A.312 COOPERATIVE PURCHASING.

37 22 The director may purchase items through the department of
37 23 transportation, institutions under the control of the state
37 24 board of regents, and any other agency exempted by law from
37 25 centralized purchasing. These state agencies shall upon
37 26 request furnish the director with a list of and specifications
37 27 for all items of office equipment, furniture, fixtures, motor
37 28 vehicles, heavy equipment, and other related items to be
37 29 purchased during the next quarter and the date by which the
37 30 director must file with the agency the quantity of items to be
37 31 purchased by the state agency for the department. The
37 32 department shall be liable to the state agency for the
37 33 proportionate costs the items purchased for the department
37 34 bear to the total purchase price. When items purchased have
37 35 been delivered, the state agency shall notify the director and
38 1 after receipt of the purchase price shall release the items to
38 2 the director or upon the director's order.

38 3 Sec. 32. NEW SECTION. 8A.313 DISPUTES INVOLVING
38 4 PURCHASING FROM IOWA STATE INDUSTRIES.

38 5 Disputes arising between the department of corrections and
38 6 a purchasing department or agency over the procurement of
38 7 products from Iowa state industries as described in section
38 8 904.808 shall be referred to the director. The decision of
38 9 the director is final unless a written appeal is filed with
38 10 the executive council within five days of receipt of the
38 11 decision of the director, excluding Saturdays, Sundays, and
38 12 legal holidays. If an appeal is filed, the executive council
38 13 shall hear and determine the appeal within thirty days. The
38 14 decision of the executive council is final.

38 15 Sec. 33. NEW SECTION. 8A.314 PURCHASING REVOLVING FUND.

38 16 1. A purchasing revolving fund is established within the
38 17 department. The director shall keep an accurate itemized
38 18 account for each state agency purchasing through the
38 19 department, using services provided for by the department, and
38 20 using postage supplied by the department.

38 21 2. At the end of each month the director shall render a
38 22 statement to each state agency for the actual cost of items
38 23 purchased through the department, and the actual cost of
38 24 services and postage used by the agency. The monthly
38 25 statement shall also include a fair proportion of the
38 26 administrative costs of the department during the month. The
38 27 portion of administrative costs shall be determined by the
38 28 director subject to review by the executive council upon
38 29 complaint from any state agency adversely affected.

38 30 3. Statements rendered to the various state agencies shall
38 31 be paid by the state agencies in the manner determined by the
38 32 department. When the statements are paid the sums shall be
38 33 credited to the purchasing revolving fund. If any funds
38 34 accrue to the revolving fund in excess of two hundred twenty=
38 35 five thousand dollars and there is no anticipated need or use
39 1 for such funds, the governor shall order the excess funds
39 2 credited to the general fund of the state.

39 3 Sec. 34. NEW SECTION. 8A.315 STATE PURCHASES == RECYCLED
39 4 PRODUCTS == SOYBEAN-BASED INKS.

39 5 1. When purchasing paper products other than printing and
39 6 writing paper, the department shall, when the price is
39 7 reasonably competitive and the quality as intended, purchase
39 8 the recycled product. The department shall also purchase,
39 9 when the price is reasonably competitive and the quality as
39 10 intended, and in keeping with the schedule established in this
39 11 subsection, soybean-based inks and plastic products with
39 12 recycled content including but not limited to plastic garbage
39 13 can liners.

39 14 a. One hundred percent of the purchases of inks which are
39 15 used for newsprint printing services performed internally or
39 16 contracted for by the department shall be soybean-based.

39 17 b. One hundred percent of the purchases of inks, other
39 18 than inks which are used for newsprint printing services, and
39 19 which are used internally or contracted for by the department,
39 20 shall be soybean-based to the extent formulations for such

39 21 inks are available.

39 22 c. A minimum of ten percent of the purchases of garbage
39 23 can liners made by the department shall be plastic garbage can
39 24 liners with recycled content. The percentage shall increase
39 25 by ten percent annually until fifty percent of the purchases
39 26 of garbage can liners are plastic garbage can liners with
39 27 recycled content.

39 28 d. The department shall report to the general assembly on
39 29 February 1 of each year the following:

39 30 (1) A listing of plastic products which are regularly
39 31 purchased by the department and other state agencies for which
39 32 recycled content product alternatives are available, including
39 33 the cost of the plastic products purchased and the cost of the
39 34 recycled content product alternatives.

39 35 (2) Information relating to soybean-based inks and plastic
40 1 garbage can liners with recycled content regularly purchased
40 2 by the department and other state agencies, including the cost
40 3 of purchasing soybean-based inks and plastic garbage can
40 4 liners with recycled content and the percentages of soybean=
40 5 based inks and plastic garbage can liners with recycled
40 6 content that have been purchased.

40 7 e. For purposes of this subsection, "recycled content"
40 8 means that the content of the product contains a minimum of
40 9 thirty percent postconsumer material.

40 10 2. a. Except as otherwise provided in this section, the
40 11 department shall purchase and use recycled printing and
40 12 writing paper so that ninety percent of the volume of printing
40 13 and writing paper purchased is recycled paper. The recycled
40 14 printing and writing paper shall meet the requirements for
40 15 procuring recycled printing and writing paper set forth in 40
40 16 C.F.R. pt. 247, and in related recovered materials advisory
40 17 notices issued by the United States environmental protection
40 18 agency.

40 19 b. The department shall establish a prioritization
40 20 procedure for the purchase of recycled paper which provides
40 21 for a five percent differential in the cost of the purchase of
40 22 paper which has been recycled through the use of a
40 23 nonchlorinated process.

40 24 c. If a provision under this subsection results in the
40 25 limitation of sources for the purchase of printing and writing
40 26 paper to three or fewer sources, the department may waive the
40 27 requirement in order to purchase necessary amounts of printing
40 28 and writing paper.

40 29 d. Notwithstanding the requirements of this subsection
40 30 regarding the purchase of recycled printing and writing paper,
40 31 the department shall purchase acid-free permanent paper in the
40 32 amount necessary for the production or reproduction of
40 33 documents, papers, or similar materials produced or reproduced
40 34 for permanent preservation pursuant to law.

40 35 3. The department, in conjunction with the department of
41 1 natural resources, shall review the procurement specifications
41 2 currently used by the state to eliminate, wherever possible,
41 3 discrimination against the procurement of products
41 4 manufactured with recovered materials and soybean-based inks.

41 5 4. The department of natural resources shall assist the
41 6 department in locating suppliers of recycled products and
41 7 soybean-based inks and collecting data on recycled content and
41 8 soybean-based ink purchases.

41 9 5. Information on recycled content shall be requested on
41 10 all bids for paper products other than printing and writing
41 11 paper issued by the state and on other bids for products which
41 12 could have recycled content such as oil, plastic products,
41 13 including but not limited to compost materials, aggregate,
41 14 solvents, soybean-based inks, and rubber products. Except for
41 15 purchases of printing and writing paper made pursuant to
41 16 subsection 2, paragraphs "c" and "d", the department shall
41 17 require persons submitting bids for printing and writing paper
41 18 to certify that the printing and writing paper proposed
41 19 complies with the requirements referred to in subsection 2,
41 20 paragraph "a".

41 21 6. The department, in conjunction with the department of
41 22 natural resources, shall adopt rules to administer this
41 23 section.

41 24 7. All state agencies shall fully cooperate with the
41 25 department and with the department of natural resources in all
41 26 phases of implementing this section.

41 27 8. The department, whenever technically feasible, shall
41 28 purchase and use degradable loose foam packing material
41 29 manufactured from grain starches or other renewable resources,
41 30 unless the cost of the packing material is more than ten
41 31 percent greater than the cost of packing material made from

41 32 nonrenewable resources. For the purposes of this subsection,
41 33 "packing material" means material, other than an exterior
41 34 packing shell, that is used to stabilize, protect, cushion, or
41 35 brace the contents of a package.

42 1 Sec. 35. NEW SECTION. 8A.316 LUBRICANTS AND OILS ==
42 2 PREFERENCES.

42 3 The department shall do all of the following:

42 4 1. Revise its procedures and specifications for the
42 5 purchase of lubricating oil and industrial oil to eliminate
42 6 exclusion of recycled oils and any requirement that oils be
42 7 manufactured from virgin materials.

42 8 2. Require that purchases of lubricating oil and
42 9 industrial oil be made from the seller whose oil product
42 10 contains the greatest percentage of recycled oil, unless one
42 11 of the following circumstances regarding a specific oil
42 12 product containing recycled oil exists:

42 13 a. The product is not available within a reasonable period
42 14 of time or in quantities necessary or in container sizes
42 15 appropriate to meet a state agency's needs.

42 16 b. The product does not meet the performance requirements
42 17 or standards recommended by the equipment or vehicle
42 18 manufacturer, including any warranty requirements.

42 19 c. The product is available only at a cost greater than
42 20 one hundred five percent of the cost of comparable virgin oil
42 21 products.

42 22 3. Establish and maintain a preference program for
42 23 procuring oils containing the maximum content of recycled oil.
42 24 The preference program shall include but is not limited to all
42 25 of the following:

42 26 a. The inclusion of the preferences for recycled oil
42 27 products in publications used to solicit bids from suppliers.

42 28 b. The provision of a description of the recycled oil
42 29 procurement program at bidders' conferences.

42 30 c. Discussion of the preference program in lubricating oil
42 31 and industrial oil procurement solicitations or invitations to
42 32 bid.

42 33 d. Efforts to inform industry trade associations about the
42 34 preference program.

42 35 4. a. Provide that when purchasing hydraulic fluids,
43 1 greases, and other industrial lubricants, the department or a
43 2 state agency authorized by the department to directly purchase
43 3 hydraulic fluids, greases, and other industrial lubricants
43 4 shall give preference to purchasing bio-based hydraulic
43 5 fluids, greases, and other industrial lubricants manufactured
43 6 from soybeans.

43 7 b. Provide for the implementation of requirements
43 8 necessary in order to carry out this subsection by the
43 9 department or state agency making the purchase, which shall
43 10 include all of the following:

43 11 (1) Including the preference requirements in publications
43 12 used to solicit bids for hydraulic fluids, greases, and other
43 13 industrial lubricants.

43 14 (2) Describing the preference requirements at bidders'
43 15 conferences in which bids for the sale of hydraulic fluids,
43 16 greases, and other industrial lubricants are sought by the
43 17 department or authorized state agency.

43 18 (3) Discussing the preference requirements in procurement
43 19 solicitations or invitations to bid for hydraulic fluids,
43 20 greases, and other industrial lubricants.

43 21 (4) Informing industry trade associations about the
43 22 preference requirements.

43 23 c. As used in this subsection, unless the context
43 24 otherwise requires:

43 25 (1) "Bio-based hydraulic fluids, greases, and other
43 26 industrial lubricants" means the same as defined by the United
43 27 States department of agriculture, if the department has
43 28 adopted such a definition. If the United States department of
43 29 agriculture has not adopted a definition, "bio-based hydraulic
43 30 fluids, greases, and other industrial lubricants" means
43 31 hydraulic fluids, greases, and other lubricants containing a
43 32 minimum of fifty-one percent soybean oil.

43 33 (2) "Other industrial lubricants" means lubricants used or
43 34 applied to machinery.

43 35 PHYSICAL RESOURCES AND FACILITY MANAGEMENT

44 1 Sec. 36. NEW SECTION. 8A.321 PHYSICAL RESOURCES AND
44 2 FACILITY MANAGEMENT == DIRECTOR DUTIES == APPROPRIATION.

44 3 In managing the physical resources of government, the
44 4 director shall perform all of the following duties:

44 5 1. Provide for supervision over the custodians, and other
44 6 employees of the department in and about the capitol and other
44 7 state buildings, and the state laboratories facility in

44 8 Ankeny, except the buildings and grounds referred to in
44 9 section 216B.3, subsection 6, at the seat of government.
44 10 2. Institute, in the name of the state, and with the
44 11 advice and consent of the attorney general, civil and criminal
44 12 proceedings against any person for injury or threatened injury
44 13 to any public property, including but not limited to
44 14 intangible and intellectual property, under the person's
44 15 control.
44 16 3. Under the direction of the governor, provide, furnish,
44 17 and pay for public utilities service, heat, maintenance, minor
44 18 repairs, and equipment in operating and maintaining the
44 19 official residence of the governor of Iowa.
44 20 4. Contract, with the approval of the executive council,
44 21 for the repair, remodeling, or, if the condition warrants,
44 22 demolition of all buildings and grounds of the state at the
44 23 seat of government, at the state laboratories facility in
44 24 Ankeny, and the institutions of the department of human
44 25 services and the department of corrections for which no
44 26 specific appropriation has been made, if the cost of repair,
44 27 remodeling, or demolition will not exceed one hundred thousand
44 28 dollars when completed. The cost of repair projects for which
44 29 no specific appropriation has been made shall be paid from the
44 30 fund provided in section 7D.29.
44 31 5. Dispose of all personal property of the state under the
44 32 director's control as provided by section 8A.324 when it
44 33 becomes unnecessary or unfit for further use by the state. If
44 34 the director concludes that the personal property is
44 35 contaminated, contains hazardous waste, or is hazardous waste,
45 1 the director may charge the state agency responsible for the
45 2 property for removal and disposal of the personal property.
45 3 The director shall adopt rules establishing the procedures for
45 4 inspecting, selecting, and removing personal property from
45 5 state agencies or from state storage.
45 6 6. a. Lease all buildings and office space necessary to
45 7 carry out the provisions of this article or necessary for the
45 8 proper functioning of any state agency at the seat of
45 9 government. For state agencies at the seat of government, the
45 10 director may lease buildings and office space in Polk county
45 11 or in a county contiguous to Polk county. If no specific
45 12 appropriation has been made, the proposed lease shall be
45 13 submitted to the executive council for approval. The cost of
45 14 any lease for which no specific appropriation has been made
45 15 shall be paid from the fund provided in section 7D.29.
45 16 b. When the general assembly is not in session, the
45 17 director may request moneys from the executive council for
45 18 moving state agencies located at the seat of government from
45 19 one location to another. The request may include moving
45 20 costs, telecommunications costs, repair costs, or any other
45 21 costs relating to the move. The executive council may approve
45 22 and shall pay the costs from funds provided in section 7D.29
45 23 if it determines the agency or department has no available
45 24 funds for these expenses.
45 25 c. Coordinate the leasing of buildings and office space by
45 26 state agencies throughout the state and develop cooperative
45 27 relationships with the state board of regents in order to
45 28 promote the colocation of state agencies.
45 29 7. Unless otherwise provided by law, coordinate the
45 30 location, design, plans and specifications, construction, and
45 31 ultimate use of the real or personal property to be purchased
45 32 by a state agency for whose benefit and use the property is
45 33 being obtained. If the purchase of real or personal property
45 34 is to be financed pursuant to section 12.28, the department
45 35 shall cooperate with the treasurer of state in providing the
46 1 information necessary to complete the financing of the
46 2 property.
46 3 A contract for acquisition, construction, erection,
46 4 demolition, alteration, or repair by a private person of real
46 5 or personal property to be lease-purchased by the treasurer of
46 6 state pursuant to section 12.28 is exempt from section 8A.311,
46 7 subsections 1 and 9, unless the lease-purchase contract is
46 8 funded in advance by a deposit of the lessor's moneys to be
46 9 administered by the treasurer of state under a lease-purchase
46 10 contract which requires rent payments to commence upon
46 11 delivery of the lessor's moneys to the lessee.
46 12 8. With the authorization of a constitutional majority of
46 13 each house of the general assembly and approval by the
46 14 governor, dispose of real property belonging to the state and
46 15 its state agencies upon terms, conditions, and consideration
46 16 as the director may recommend. If real property subject to
46 17 sale under this subsection has been purchased or acquired from
46 18 appropriated funds, the proceeds of the sale shall be

46 19 deposited with the treasurer of state and credited to the
46 20 general fund of the state or other fund from which
46 21 appropriated. There is appropriated from that same fund, with
46 22 the prior approval of the executive council and in cooperation
46 23 with the director, a sum equal to the proceeds so deposited
46 24 and credited to the state agency to which the disposed real
46 25 property belonged or by which it was used, for purposes of the
46 26 state agency.

46 27 9. Subject to the selection procedures of section 12.30,
46 28 employ financial consultants, banks, insurers, underwriters,
46 29 accountants, attorneys, and other advisors or consultants
46 30 necessary to implement the provisions of subsection 7.

46 31 10. Prepare annual status reports for all ongoing capital
46 32 projects of all state agencies, as defined in section 8.3A,
46 33 and submit the status reports to the legislative capital
46 34 projects committee.

46 35 11. Call upon any state agency, as defined in section
47 1 8.3A, for assistance the director may require in performing
47 2 the director's duties under subsection 10 regarding capital
47 3 project status reports. All state agencies, upon the request
47 4 of the director and with the approval of the director of the
47 5 department of management, shall assist the director and are
47 6 authorized to make available to the director any existing
47 7 studies, surveys, plans, data, and other materials in the
47 8 possession of the state agencies which are relevant to the
47 9 director's duties.

47 10 12. In carrying out the requirements of section 64.6,
47 11 purchase an individual or a blanket surety bond insuring the
47 12 fidelity of state officers. The department may self-assume or
47 13 self-insure fidelity exposures for state officials and
47 14 employees. A state official is deemed to have furnished
47 15 surety if the official has been covered by a program of
47 16 insurance or self-insurance established by the department. To
47 17 the extent possible, all bonded state employees shall be
47 18 covered under one or more blanket bonds or position schedule
47 19 bonds.

47 20 13. Review the management of state property loss exposures
47 21 and state liability risk exposures for the capitol complex.
47 22 Insurance coverage may include self-insurance or any type of
47 23 insurance protection sold by insurers, including, but not
47 24 limited to, full coverage, partial coverage, coinsurance,
47 25 reinsurance, and deductible insurance coverage.

47 26 14. Establish a monument maintenance account in the state
47 27 treasury under the control of the department. Funds for the
47 28 maintenance of a state monument, whether received by gift,
47 29 devise, bequest, or otherwise, shall be deposited in the
47 30 account. Funds in the account shall be deposited in an
47 31 interest-bearing account. Notwithstanding section 12C.7,
47 32 interest earned on the account shall be deposited in the
47 33 account and shall be used to maintain the designated monument.
47 34 Any maintenance funds for a state monument held by the state
47 35 and interest earned on the funds shall be used to maintain the
48 1 designated monument. Notwithstanding section 8.33, funds in
48 2 the monument maintenance account at the end of a fiscal year
48 3 shall not revert to the general fund of the state.

48 4 Sec. 37. NEW SECTION. 8A.322 BUILDINGS AND GROUNDS ==
48 5 SERVICES == PUBLIC USE.

48 6 1. The director shall provide necessary lighting, fuel,
48 7 and water services for the state buildings and grounds located
48 8 at the seat of government, and for the state laboratories
48 9 facility in Ankeny, except the buildings and grounds referred
48 10 to in section 216B.3, subsection 6.

48 11 2. Except for buildings and grounds described in section
48 12 216B.3, subsection 6; section 2.43, unnumbered paragraph 1;
48 13 and any buildings under the custody and control of the Iowa
48 14 public employees' retirement system, the director shall assign
48 15 office space at the capitol, other state buildings, and
48 16 elsewhere in the city of Des Moines, and the state
48 17 laboratories facility in Ankeny, for all executive and
48 18 judicial state agencies. Assignments may be changed at any
48 19 time. The various officers to whom rooms have been so
48 20 assigned may control the same while the assignment to them is
48 21 in force. Official apartments shall be used only for the
48 22 purpose of conducting the business of the state. The term
48 23 "capitol" or "capitol building" as used in the Code shall be
48 24 descriptive of all buildings upon the capitol grounds. The
48 25 capitol building itself is reserved for the operations of the
48 26 general assembly, the governor, and the courts and the
48 27 assignment and use of physical facilities for the general
48 28 assembly shall be pursuant to section 2.43.

48 29 3. The director shall establish, publish, and enforce

48 30 rules regulating and restricting the use by the public of the
48 31 capitol buildings and grounds and of the state laboratories
48 32 facility in Ankeny. The rules when established shall be
48 33 posted in conspicuous places about the capitol buildings and
48 34 grounds and the state laboratories facility, as applicable.
48 35 Any person violating any rule, except a parking regulation,
49 1 shall be guilty of a simple misdemeanor.

49 2 Sec. 38. NEW SECTION. 8A.323 PARKING REGULATIONS.

49 3 1. The director shall establish, publish, and enforce
49 4 rules regulating, restricting, or prohibiting the use by state
49 5 officials, state employees, and the public, of motor vehicle
49 6 parking facilities at the state capitol complex and at the
49 7 state laboratories facility in Ankeny. The assignment of
49 8 legislative parking spaces shall be under the control of the
49 9 legislative council. The rules established by the director
49 10 may establish fines for violations and a procedure for payment
49 11 of the fines. The director may order payment of a fine and
49 12 enforce the order in the district court.

49 13 2. Motor vehicles parked in violation of the rules may be
49 14 removed without the owner's or operator's consent and at the
49 15 owner's or operator's expense. Motor vehicles removed and not
49 16 claimed within thirty days of their removal or vehicles
49 17 abandoned within the capitol grounds may be disposed of in
49 18 accordance with the provisions of sections 321.85 through
49 19 321.91.

49 20 3. The parking rules established shall be posted in
49 21 conspicuous places at the capitol complex and at the state
49 22 laboratories facility in Ankeny, as applicable. Copies of the
49 23 rules shall be made available to all state officials and
49 24 employees and any other person who requests a copy of the
49 25 rules.

49 26 4. All fines collected by the department shall be
49 27 forwarded to the treasurer of state and deposited in the
49 28 general fund of the state.

49 29 Sec. 39. NEW SECTION. 8A.324 DISPOSAL OF PERSONAL
49 30 PROPERTY.

49 31 The director may dispose of personal property of the state
49 32 under the director's control by any of the following means:

49 33 1. The director may dispose of unfit or unnecessary
49 34 personal property by sale. Proceeds from the sale of personal
49 35 property shall be deposited in the general fund of the state.

50 1 2. If the director concludes that the personal property
50 2 has little or no value, the director may enter into an
50 3 agreement with a not-for-profit organization or governmental
50 4 agency to dispose of the personal property. The not-for-
50 5 profit organization or governmental agency may charge the
50 6 state agency in control of the property with the cost of
50 7 removing and transporting the property. Title to the personal
50 8 property shall transfer when the personal property is in the
50 9 possession of the not-for-profit organization or governmental
50 10 agency. If a governmental agency adds value to the property
50 11 transferred to it and sells it, the proceeds from the sale
50 12 shall be deposited with the governmental agency and not in the
50 13 general fund of the state.

50 14 3. The director may dispose of presses, printing
50 15 equipment, printing supplies, and other machinery or equipment
50 16 used in the printing operation.

50 17 Sec. 40. NEW SECTION. 8A.325 SERVICES AND COMMODITIES
50 18 ACCEPTED.

50 19 The director may accept services, commodities, and surplus
50 20 property and make provision for warehousing and distribution
50 21 to various departments and governmental subdivisions of the
50 22 state, and such other agencies, institutions, and authorized
50 23 recipients within the state as may be from time to time
50 24 designated in federal statutes and rules.

50 25 Sec. 41. NEW SECTION. 8A.326 TERRACE HILL COMMISSION.

50 26 1. The Terrace Hill commission is created consisting of
50 27 nine persons, appointed by the governor, who are knowledgeable
50 28 in business management and historic preservation and
50 29 renovation. The governor shall appoint the chairperson. The
50 30 terms of the commission members are for three years beginning
50 31 on July 1 and ending on June 30.

50 32 2. The Terrace Hill commission may consult with the
50 33 Terrace Hill society, Terrace Hill foundation, the executive
50 34 and legislative branches of this state, and other persons
50 35 interested in the property.

51 1 3. The Terrace Hill commission may enter into contracts,
51 2 subject to this chapter, to execute its purposes.

51 3 4. The commission may adopt rules to administer the
51 4 programs of the commission. The decision of the commission is
51 5 final agency action under chapter 17A.

51 6 Sec. 42. NEW SECTION. 8A.327 RENT REVOLVING FUND CREATED

51 7 == PURPOSE.

51 8 1. A rent revolving fund is created in the state treasury
51 9 under the control of the department to be used by the
51 10 department to pay the lease or rental costs of all buildings
51 11 and office space necessary for the proper functioning of any
51 12 state agency at the seat of state government as provided in
51 13 section 8A.321, subsection 6, except that this fund shall not
51 14 be used to pay the rental or lease costs of a state agency
51 15 which has not received funds budgeted for rental or lease
51 16 purposes.

51 17 2. The director shall pay the lease or rental fees to the
51 18 renter or lessor and submit a monthly statement to each state
51 19 agency for which building and office space is rented or
51 20 leased. If the director pays the lease or rental fees on
51 21 behalf of a state agency, the state agency's payment to the
51 22 department shall be credited to the rent revolving fund
51 23 established by this section. With the approval of the
51 24 director, a state agency may pay the lease or rental cost
51 25 directly to the person who is due the payment under the lease
51 26 or rental agreement.

51 27 Sec. 43. NEW SECTION. 8A.328 RECYCLING REVOLVING FUND.

51 28 A recycling revolving fund is created within the state
51 29 treasury under the control of the department. The fund shall
51 30 consist of any moneys appropriated by the general assembly and
51 31 any other moneys available to and obtained or accepted by the
51 32 department from the federal government or private sources for
51 33 placement in the fund. The assets of the fund shall be used
51 34 by the department only for supporting recycling operations.
51 35 Moneys in the fund shall be drawn upon the written requisition
52 1 of the director or an authorized representative of the
52 2 director. The fund is subject to an annual audit by the
52 3 auditor of state. Section 8.33 does not apply to any moneys
52 4 in the fund. Notwithstanding section 12C.7, subsection 2,
52 5 interest or earnings on moneys deposited in the fund shall be
52 6 credited to the fund.

52 7 Sec. 44. NEW SECTION. 8A.329 WASTEPAPER RECYCLING
52 8 PROGRAM.

52 9 1. The department in accordance with recommendations made
52 10 by the department of natural resources shall require all state
52 11 agencies to establish an agency wastepaper recycling program.
52 12 The director shall adopt rules which require a state agency to
52 13 develop a program to ensure the recycling of the wastepaper
52 14 generated by the agency. All state employees shall practice
52 15 conservation of paper materials.

52 16 2. For the purposes of this section, "agency wastepaper"
52 17 means wastepaper or wastepaper products generated by the
52 18 agency.

52 19 3. The rules adopted by the director shall provide for the
52 20 continuation of existing state agency contracts which provide
52 21 for alternative waste management not including incineration or
52 22 land burial of agency wastepaper.

52 23 PRINTING

52 24 Sec. 45. NEW SECTION. 8A.341 STATE PRINTING == DUTIES.

52 25 The director shall do all of the following as it relates to
52 26 printing:

52 27 1. Provide general supervision of all matters pertaining
52 28 to public printing, including the enforcement of contracts for
52 29 printing, except as otherwise provided by law. The
52 30 supervision shall include providing guidelines for the letting
52 31 of contracts for printing, the manner, form, style, and
52 32 quantity of public printing, and the specifications and
52 33 advertisements for public printing. In addition, the director
52 34 shall have charge of office equipment and supplies and of the
52 35 stock, if any, required in connection with printing contracts.

53 1 2. If money is appropriated for this purpose, by November
53 2 1 of each year supply a report which contains the name,
53 3 gender, county, or city of residence when possible, official
53 4 title, salary received during the previous fiscal year, base
53 5 salary as computed on July 1 of the current fiscal year, and
53 6 traveling and subsistence expense of the personnel of each of
53 7 the departments, boards, and commissions of the state
53 8 government except personnel who receive an annual salary of
53 9 less than one thousand dollars. The number of the personnel
53 10 and the total amount received by them shall be shown for each
53 11 department in the report. All employees who have drawn
53 12 salaries, fees, or expense allowances from more than one
53 13 department or subdivision shall be listed separately under the
53 14 proper departmental heading. On the request of the director,
53 15 the head of each department, board, or commission shall
53 16 furnish the data covering that agency. The report shall be

53 17 distributed upon request without charge to each caucus of the
53 18 general assembly, the legislative service bureau, the
53 19 legislative fiscal bureau, the chief clerk of the house of
53 20 representatives, and the secretary of the senate. Copies of
53 21 the report shall be made available to other persons in both
53 22 print or electronic medium upon payment of a fee, which shall
53 23 not exceed the cost of providing the copy of the report.
53 24 Sections 22.2 through 22.6 apply to the report. All funds
53 25 from the sale of the report shall be deposited in the printing
53 26 revolving fund established in section 8A.345. Requests for
53 27 print publications shall be handled only upon receipt of
53 28 postage by the director.

53 29 3. Deposit receipts from the sale of presses, printing
53 30 equipment, printing supplies, and other machinery or equipment
53 31 used in the printing operation in the printing revolving fund
53 32 established in section 8A.345.

53 33 Sec. 46. NEW SECTION. 8A.342 CONTRACTS WITH STATE
53 34 INSTITUTIONS.

53 35 The director may, without advertising for bids, enter into
54 1 contracts or make provision for doing any of the work coming
54 2 under the provisions of chapter 7A and this article at any
54 3 school or institution under the ownership or control of the
54 4 state. The work shall be done under conditions substantially
54 5 the same as those provided for in the case of contracts with
54 6 individuals and the same standard of quality or product shall
54 7 be required.

54 8 Sec. 47. NEW SECTION. 8A.343 SPECIFICATIONS AND
54 9 REQUIREMENTS.

54 10 The director shall, from time to time, adopt and print
54 11 specifications and requirements covering all matters relating
54 12 to printing that are the subject of contracts.

54 13 Sec. 48. NEW SECTION. 8A.344 PUBLIC PRINTING == BIDDING
54 14 PROCEDURES.

54 15 1. The director shall advertise for bids for public
54 16 printing. Advertisements shall state where and how
54 17 specifications and other necessary information may be
54 18 obtained, the time during which the director will receive
54 19 bids, and the day, hour, and place when bids will be publicly
54 20 opened or accessed, and the manner by which the contracts will
54 21 be awarded.

54 22 2. The director shall supply prospective bidders and
54 23 others on request with the specifications and requirements,
54 24 blank forms for bids, samples of printing so far as possible,
54 25 and all other information pertaining to the subject.

54 26 3. The specifications shall be kept on file in the office
54 27 of the director, open to public inspection, together with
54 28 samples so far as possible, of the work to be done or the
54 29 material to be furnished.

54 30 4. Bids submitted must be:

54 31 a. Secured in writing, by telephone, by facsimile, or in a
54 32 format prescribed by the director as indicated in the bid
54 33 specifications.

54 34 b. Signed by the bidder, or if a telephone or electronic
54 35 bid, confirmed by the bidder in a manner prescribed by the
55 1 director.

55 2 c. Submitted in a format prescribed by the director which
55 3 reasonably assures the authenticity of the bid and the
55 4 bidder's identity.

55 5 d. Submitted to the department as specified by the date
55 6 and time established in the advertisements for bids.

55 7 5. When a bidder submits a bid to the department, the
55 8 director may require the bidder to file a bid bond or a
55 9 certified or cashier's check payable to the treasurer of state
55 10 in an amount to be fixed in the bid specifications, either
55 11 covering all classes or items or services, or separate
55 12 certified or cashier's checks for each bid in case the bidder
55 13 makes more than one bid. In lieu of a certified or cashier's
55 14 check, the bidder may furnish a yearly bond in an amount to be
55 15 established by the director. Certified or cashier's checks
55 16 deposited by unsuccessful bidders, and by successful bidders
55 17 when they have entered into the contract, shall be returned to
55 18 them.

55 19 6. All bids shall be publicly opened or accessed and read
55 20 and the contracts awarded in the manner designated in the bid
55 21 specifications. In the award of a contract, due consideration
55 22 shall be given to the price bid, mechanical and other
55 23 equipment proposed to be used by the bidder, the financial
55 24 responsibility of the bidder, the bidder's ability and
55 25 experience in the performance of similar contracts, and any
55 26 other factors that the department determines are relevant and
55 27 that are included in the bid specifications.

55 28 7. The director shall have the right to reject any or all
55 29 bids, and in case of rejection or because of failure of a
55 30 bidder to enter into a contract, the director may advertise
55 31 for and secure new bids.

55 32 8. When the director is satisfied that bidders have
55 33 presented bids pursuant to an agreement, understanding, or
55 34 combination to prevent free competition, the director shall
55 35 reject all of them and readvertise for bids as in the first
56 1 instance.

56 2 Sec. 49. NEW SECTION. 8A.345 PRINTING REVOLVING FUND.

56 3 A revolving fund is created in the state treasury under the
56 4 control of the department and may be used in making payments
56 5 for supplying paper stock, offset printing, copy preparation,
56 6 binding, distribution costs, and original payment of printing
56 7 and binding claims for any of the state departments, bureaus,
56 8 commissions, or institutions. All salaries and expenses
56 9 properly chargeable to the fund shall be paid from the fund.
56 10 The director may also use the fund for the purchase of
56 11 replacement or additional equipment, if a sufficient balance
56 12 will remain in the fund to enable the continued operation of
56 13 the printing operations of the department.

56 14 DOCUMENT MANAGEMENT

56 15 Sec. 50. NEW SECTION. 8A.351 DISTRIBUTION OF DOCUMENTS
56 16 == GENERAL PROVISIONS.

56 17 If money is appropriated for this purpose, the director
56 18 shall do all of the following:

56 19 1. The director shall require from officials or heads of
56 20 departments mailing lists, or addressed labels or envelopes,
56 21 for use in distribution of reports and documents. The
56 22 director shall revise such lists, eliminating duplications and
56 23 adding to the lists libraries, institutions, public officials,
56 24 and persons having actual use for the material. The director
56 25 shall arrange the lists so as to reduce to the minimum the
56 26 postage or other cost for delivery. Requests for publications
56 27 shall be handled only upon receipt of postage by the director
56 28 from the requesting agency or department.

56 29 2. The director shall furnish the various officials and
56 30 departments with copies of their reports needed for office use
56 31 or to be distributed to persons requesting the reports.
56 32 Requests for publications shall be handled only upon receipt
56 33 of postage by the director.

56 34 3. The director may send additional copies of publications
56 35 to other state officials, individuals, institutions,
57 1 libraries, or societies that may request them. Requests for
57 2 publications shall be handled only upon receipt of postage by
57 3 the director.

57 4 FLEET MANAGEMENT

57 5 Sec. 51. NEW SECTION. 8A.361 VEHICLE ASSIGNMENT ==
57 6 AUTHORITY IN DEPARTMENT.

57 7 The department shall provide for the assignment of all
57 8 state-owned motor vehicles to all state officers and
57 9 employees, and to all state offices, departments, bureaus, and
57 10 commissions, except the department of transportation,
57 11 institutions under the control of the state board of regents,
57 12 the department for the blind, and any other agencies exempted
57 13 by law.

57 14 Sec. 52. NEW SECTION. 8A.362 FLEET MANAGEMENT == POWERS
57 15 AND DUTIES == FUEL ECONOMY REQUIREMENTS.

57 16 1. The director may provide for the assignment to a state
57 17 officer or employee or to a state agency, of one or more motor
57 18 vehicles which may be required by the state officer or
57 19 employee or state agency, after the state officer or employee
57 20 or state agency has shown the necessity for such
57 21 transportation. The director may assign a motor vehicle
57 22 either for part-time or full-time use. The director may
57 23 revoke the assignment at any time.

57 24 2. The director may cause all state-owned motor vehicles
57 25 to be inspected periodically. Whenever the inspection reveals
57 26 that repairs have been improperly made on the motor vehicle or
57 27 that the operator is not giving the motor vehicle the proper
57 28 care, the director shall report this fact to the head of the
57 29 state agency to which the motor vehicle has been assigned,
57 30 together with recommendation for improvement.

57 31 3. The director shall provide for a record system for the
57 32 keeping of records of the total number of miles state-owned
57 33 motor vehicles are driven and the per-mile cost of operation
57 34 of each motor vehicle. Every state officer or employee shall
57 35 keep a record book to be furnished by the director in which
58 1 the officer or employee shall enter all purchases of gasoline,
58 2 lubricating oil, grease, and other incidental expense in the
58 3 operation of the motor vehicle assigned to the officer or

58 4 employee, giving the quantity and price of each purchase,
58 5 including the cost and nature of all repairs on the motor
58 6 vehicle. Each operator of a state-owned motor vehicle shall
58 7 promptly prepare a report at the end of each month on forms
58 8 furnished by the director and forwarded to the director,
58 9 giving the information the director may request in the report.
58 10 Each month the director shall compile the costs and mileage of
58 11 state-owned motor vehicles from the reports and keep a cost
58 12 history for each motor vehicle and the costs shall be reduced
58 13 to a cost-per-mile basis for each motor vehicle. The director
58 14 shall call to the attention of an elected official or the head
58 15 of any state agency to which a motor vehicle has been assigned
58 16 any evidence of the mishandling or misuse of a state-owned
58 17 motor vehicle which is called to the director's attention.

58 18 A motor vehicle operated under this subsection shall not
58 19 operate on gasoline other than gasoline blended with at least
58 20 ten percent ethanol, unless under emergency circumstances. A
58 21 state-issued credit card used to purchase gasoline shall not
58 22 be valid to purchase gasoline other than gasoline blended with
58 23 at least ten percent ethanol, if commercially available. The
58 24 motor vehicle shall also be affixed with a brightly visible
58 25 sticker which notifies the traveling public that the motor
58 26 vehicle is being operated on gasoline blended with ethanol.
58 27 However, the sticker is not required to be affixed to an
58 28 unmarked vehicle used for purposes of providing law
58 29 enforcement or security.

58 30 4. a. The director shall provide for the purchase of all
58 31 motor vehicles for all branches of the state government,
58 32 except the department of transportation, institutions under
58 33 the control of the state board of regents, the department for
58 34 the blind, and any other state agency exempted by law. The
58 35 director shall purchase new vehicles in accordance with
59 1 competitive bidding procedures for items or services as
59 2 provided in this article. The director may purchase used or
59 3 preowned vehicles at governmental or dealer auctions if the
59 4 purchase is determined to be in the best interests of the
59 5 state.

59 6 b. The director, and any other state agency, which for
59 7 purposes of this subsection includes but is not limited to
59 8 community colleges and institutions under the control of the
59 9 state board of regents, or local governmental subdivisions
59 10 purchasing new motor vehicles, shall purchase new passenger
59 11 vehicles and light trucks so that the average fuel efficiency
59 12 for the fleet of new passenger vehicles and light trucks
59 13 purchased in that year equals or exceeds the average fuel
59 14 economy standard for the vehicles' model year as established
59 15 by the United States secretary of transportation under 15
59 16 U.S.C. } 2002. This paragraph does not apply to vehicles
59 17 purchased for law enforcement purposes or used for off-road
59 18 maintenance work, or work vehicles used to pull loaded
59 19 trailers.

59 20 c. Not later than February 15 of each year, the director
59 21 shall report compliance with the corporate average fuel
59 22 economy standards published by the United States secretary of
59 23 transportation for new motor vehicles, other than motor
59 24 vehicles purchased by the department of transportation,
59 25 institutions under the control of the state board of regents,
59 26 the department for the blind, and any other state agency
59 27 exempted from the requirements of this subsection. The report
59 28 of compliance shall classify the vehicles purchased for the
59 29 current vehicle model year using the following categories:
59 30 passenger automobiles, enforcement automobiles, vans, and
59 31 light trucks. The director shall deliver a copy of the report
59 32 to the department of natural resources. As used in this
59 33 paragraph, "corporate average fuel economy" means the
59 34 corporate average fuel economy as defined in 49 C.F.R. }
59 35 533.5.

60 1 d. The director shall assign motor vehicles available for
60 2 use to maximize the average passenger miles per gallon of
60 3 motor vehicle fuel consumed. In assigning motor vehicles, the
60 4 director shall consider standards established by the director,
60 5 which may include but are not limited to the number of
60 6 passengers traveling to a destination, the fuel economy of and
60 7 passenger capacity of vehicles available for assignment, and
60 8 any other relevant information, to assure assignment of the
60 9 most energy-efficient vehicle or combination of vehicles for a
60 10 trip from those vehicles available for assignment. The
60 11 standards shall not apply to special work vehicles and law
60 12 enforcement vehicles. The standards shall apply to the
60 13 following agencies:

60 14 (1) Department of transportation.

60 15 (2) Institutions under the control of the state board of
60 16 regents.

60 17 (3) Department for the blind.

60 18 (4) Any other state agency exempted from obtaining
60 19 vehicles for use through the department.

60 20 e. As used in paragraph "d", "fuel economy" means the
60 21 average number of miles traveled by an automobile per gallon
60 22 of gasoline consumed as determined by the United States
60 23 environmental protection agency administrator in accordance
60 24 with 26 U.S.C. } 4064(c).

60 25 5. Of all new passenger vehicles and light pickup trucks
60 26 purchased by the director, a minimum of ten percent of all
60 27 such vehicles and trucks purchased shall be equipped with
60 28 engines which utilize alternative methods of propulsion
60 29 including but not limited to any of the following:

60 30 a. A flexible fuel, which is any of the following:

60 31 (1) A fuel blended with not more than fifteen percent
60 32 gasoline and at least eighty-five percent ethanol.

60 33 (2) A fuel which is a mixture of diesel fuel and processed
60 34 soybean oil. At least twenty percent of the mixed fuel by
60 35 volume must be processed soybean oil.

61 1 (3) A renewable fuel approved by the office of renewable
61 2 fuels and coproducts pursuant to section 159A.3.

61 3 b. Compressed or liquefied natural gas.

61 4 c. Propane gas.

61 5 d. Solar energy.

61 6 e. Electricity.

61 7 This subsection does not apply to vehicles and trucks
61 8 purchased and directly used for law enforcement or purchased
61 9 and used for off-road maintenance work or to pull loaded
61 10 trailers.

61 11 6. All used motor vehicles turned in to the director shall
61 12 be disposed of by public auction, and the sales shall be
61 13 advertised in a newspaper of general circulation one week in
61 14 advance of sale, and the receipts from the sale shall be
61 15 deposited in the depreciation fund to the credit of the state
61 16 agency turning in the vehicle; except that, in the case of a
61 17 used motor vehicle of special design, the director may,
61 18 instead of selling it at public auction, authorize the motor
61 19 vehicle to be traded for another vehicle of similar design.
61 20 If a vehicle sustains damage and the cost to repair exceeds
61 21 the wholesale value of the vehicle, the director may dispose
61 22 of the motor vehicle by obtaining two or more written salvage
61 23 bids and the vehicle shall be sold to the highest responsible
61 24 bidder.

61 25 7. The director may authorize the establishment of motor
61 26 pools consisting of a number of state-owned motor vehicles
61 27 under the director's supervision. The director may store the
61 28 motor vehicles in a public or private garage. If the director
61 29 establishes a motor pool, any state officer or employee
61 30 desiring the use of a state-owned motor vehicle on state
61 31 business shall notify the director of the need for a vehicle
61 32 within a reasonable time prior to actual use of the motor
61 33 vehicle. The director may assign a motor vehicle from the
61 34 motor pool to the state officer or employee. If two or more
61 35 state officers or employees desire the use of a state-owned
62 1 motor vehicle for a trip to the same destination for the same
62 2 length of time, the director may assign one vehicle to make
62 3 the trip.

62 4 8. The director shall require that a sign be placed on
62 5 each state-owned motor vehicle in a conspicuous place which
62 6 indicates its ownership by the state. This requirement shall
62 7 not apply to motor vehicles requested to be exempt by the
62 8 director or by the commissioner of public safety. All state=
62 9 owned motor vehicles shall display registration plates bearing
62 10 the word "official" except motor vehicles requested to be
62 11 furnished with ordinary plates by the director or by the
62 12 commissioner of public safety pursuant to section 321.19. The
62 13 director shall keep an accurate record of the registration
62 14 plates used on all state-owned motor vehicles.

62 15 9. All fuel used in state-owned automobiles shall be
62 16 purchased at cost from the various installations or garages of
62 17 the department of transportation, state board of regents,
62 18 department of human services, or state motor pools throughout
62 19 the state, unless the state-owned sources for the purchase of
62 20 fuel are not reasonably accessible. If the director
62 21 determines that state-owned sources for the purchase of fuel
62 22 are not reasonably accessible, the director shall authorize
62 23 the purchase of fuel from other sources. The director may
62 24 prescribe a manner, other than the use of the revolving fund,
62 25 in which the purchase of fuel from state-owned sources is

62 26 charged to the state agency responsible for the use of the
62 27 motor vehicle. The director shall prescribe the manner in
62 28 which oil and other normal motor vehicle maintenance for
62 29 state-owned motor vehicles may be purchased from private
62 30 sources, if they cannot be reasonably obtained from a state
62 31 motor pool. The director may advertise for bids and award
62 32 contracts in accordance with competitive bidding procedures
62 33 for items and services as provided in this article for
62 34 furnishing fuel, oil, grease, and vehicle replacement parts
62 35 for all state-owned motor vehicles. The director and other
63 1 state agencies, when advertising for bids for gasoline, shall
63 2 also seek bids for ethanol blended gasoline.

63 3 Sec. 53. NEW SECTION. 8A.363 PRIVATE USE PROHIBITED ==
63 4 RATE FOR STATE BUSINESS.

63 5 1. A state officer or employee shall not use a state-owned
63 6 motor vehicle for personal private use. A state officer or
63 7 employee shall not be compensated for driving a privately
63 8 owned motor vehicle unless it is done on state business with
63 9 the approval of the director. In that case the state officer
63 10 or employee shall receive an amount to be determined by the
63 11 director. The amount shall not exceed the maximum allowable
63 12 under the federal internal revenue service rules per mile,
63 13 notwithstanding established mileage requirements or
63 14 depreciation allowances. However, the director may authorize
63 15 private motor vehicle rates in excess of the rate allowed
63 16 under the federal internal revenue service rules for state
63 17 business use of substantially modified or specially equipped
63 18 privately owned vehicles required by persons with
63 19 disabilities. A statutory provision establishing
63 20 reimbursement for necessary mileage, travel, or actual
63 21 expenses to a state officer falls under the private motor
63 22 vehicle mileage rate limitation provided in this section
63 23 unless specifically provided otherwise. Any peace officer
63 24 employed by the state as defined in section 801.4 who is
63 25 required to use a private motor vehicle in the performance of
63 26 official duties shall receive the private vehicle mileage rate
63 27 at the rate provided in this section. However, the director
63 28 may delegate authority to officials of the state, and
63 29 department heads, for the use of private vehicles on state
63 30 business up to a yearly mileage figure established by the
63 31 director. If a state motor vehicle has been assigned to a
63 32 state officer or employee, the officer or employee shall not
63 33 collect mileage for the use of a privately owned motor vehicle
63 34 unless the state motor vehicle assigned is not useable.

63 35 2. This section does not apply to any of the following:
64 1 a. Officials and employees of the state whose mileage is
64 2 paid other than by a state agency.
64 3 b. Elected officers of the state.
64 4 c. Judicial officers or court employees.
64 5 d. Members and employees of the general assembly who shall
64 6 be governed by policies relating to motor vehicle travel,
64 7 including but not limited to reimbursement for expenses, if
64 8 such policies are otherwise established by the general
64 9 assembly.

64 10 Sec. 54. NEW SECTION. 8A.364 FLEET MANAGEMENT REVOLVING
64 11 FUND == REPLENISHMENT.

64 12 1. A fleet management revolving fund is created in the
64 13 state treasury under the control of the department. There is
64 14 appropriated from moneys in the state treasury not otherwise
64 15 appropriated the sum of twenty-five thousand dollars to the
64 16 revolving fund. All purchases of gasoline, oil, tires,
64 17 repairs, and all other general expenses incurred in the
64 18 operation of state-owned motor vehicles, and all salaries and
64 19 expenses of employees providing fleet management services
64 20 shall be paid from this fund.

64 21 2. At the end of each month the director shall render a
64 22 statement to each state department or agency for the actual
64 23 cost of operation of all motor vehicles assigned to such
64 24 department or agency, together with a fair proportion of the
64 25 administrative costs for providing fleet management services
64 26 during such month, as determined by the director, all subject
64 27 to review by the executive council upon complaint of any state
64 28 department or agency adversely affected. Such expenses shall
64 29 be paid by the state departments or agencies in the same
64 30 manner as other expenses of such department are paid, and when
64 31 such expenses are paid, such sums shall be credited to the
64 32 fleet management revolving fund. If any surplus accrues to
64 33 the revolving fund in excess of twenty-five thousand dollars
64 34 for which there is no anticipated need or use, the governor
64 35 may order such surplus transferred to the general fund of the
65 1 state.

65 2 Sec. 55. NEW SECTION. 8A.365 VEHICLE REPLACEMENT ==
65 3 DEPRECIATION FUND.

65 4 1. The director shall maintain a depreciation fund for the
65 5 purchase of replacement motor vehicles and additions to the
65 6 fleet. The director's records shall show the total funds
65 7 deposited by and credited to each department or agency. At
65 8 the end of each month, the director shall render a statement
65 9 to each state department or agency for additions to the fleet
65 10 and total depreciation credited to that department or agency.
65 11 Such depreciation expense shall be paid by the state
65 12 departments or agencies in the same manner as other expenses
65 13 are paid, and shall be deposited in the depreciation fund to
65 14 the credit of the department or agency. The funds credited to
65 15 each department or agency shall remain the property of the
65 16 department or agency. However, at the end of each biennium,
65 17 the director shall cause to revert to the fund from which it
65 18 accumulated any unassigned depreciation.

65 19 2. The department of corrections is not obligated to pay
65 20 the depreciation expense otherwise required by this section.

65 21 Sec. 56. NEW SECTION. 8A.366 VIOLATIONS == WITHDRAWING
65 22 USE OF VEHICLE.

65 23 If any state officer or employee violates any of the
65 24 provisions of sections 8A.361 through 8A.365, the director may
65 25 withdraw the assignment of any state-owned motor vehicle to
65 26 any such state officer or employee.

65 27 ARTICLE 4

65 28 HUMAN RESOURCES

65 29 STATE HUMAN RESOURCE MANAGEMENT == OPERATIONS

65 30 Sec. 57. NEW SECTION. 8A.401 DEFINITIONS.

65 31 As used in this article, unless the context otherwise
65 32 requires:

65 33 1. "Appointing authority" means the chairperson or person
65 34 in charge of any state agency including, but not limited to,
65 35 boards, bureaus, commissions, and departments, or an employee
66 1 designated to act for an appointing authority.

66 2 2. "Merit system" means the merit system established under
66 3 this article.

66 4 Sec. 58. NEW SECTION. 8A.402 STATE HUMAN RESOURCE
66 5 MANAGEMENT == RESPONSIBILITIES.

66 6 1. The department is the central agency responsible for
66 7 state human resource management, including the following:

66 8 a. Policy and program development, workforce planning, and
66 9 research.

66 10 b. Employment activities and transactions, including
66 11 recruitment, examination, and certification of personnel
66 12 seeking employment or promotion.

66 13 c. Compensation and benefits, including position
66 14 classification, wages and salaries, and employee benefits.
66 15 Employee benefits include, but are not limited to, group
66 16 medical, dental, life, and long-term disability insurance,
66 17 workers' compensation, unemployment benefits, sick leave,
66 18 deferred compensation, holidays and vacations, tuition
66 19 reimbursement, and educational leaves.

66 20 d. Equal employment opportunity, affirmative action, and
66 21 workforce diversity programs.

66 22 e. Education, training, and workforce development
66 23 programs.

66 24 f. Personnel records and administration, including the
66 25 audit of all personnel-related documents.

66 26 g. Employment relations, including the negotiation and
66 27 administration of collective bargaining agreements on behalf
66 28 of the executive branch of the state and its departments and
66 29 agencies as provided in chapter 20. However, the state board
66 30 of regents, for the purposes of implementing and administering
66 31 collective bargaining pursuant to chapter 20, shall act as the
66 32 exclusive representative of the state with respect to its
66 33 faculty, scientific, and other professional staff.

66 34 h. The coordination and management of the state's human
66 35 resource information system, except as otherwise required for
67 1 those employees governed by chapter 262.

67 2 2. The department, as it relates to the human resources of
67 3 state government, shall do the following:

67 4 a. Establish and maintain a list of all employees in the
67 5 executive branch of state government and set forth, as to each
67 6 employee, the class title, pay, status, and other pertinent
67 7 data. For employees governed by chapter 262, the director
67 8 shall work collaboratively with the state board of regents to
67 9 collect such information.

67 10 b. Foster and develop, in cooperation with appointing
67 11 authorities and others, programs for the improvement of
67 12 employee effectiveness, including training, safety, health,

67 13 counseling, and welfare.
67 14 c. Encourage and exercise leadership in the development of
67 15 effective personnel administration within the several state
67 16 agencies, and to make available the facilities of the
67 17 department to this end.
67 18 d. The director may delegate any or all aspects of the
67 19 recruitment, examination, and selection processes to an agency
67 20 in the executive branch upon request by that agency. The
67 21 director shall oversee all activities delegated to that
67 22 agency.
67 23 e. Utilize appropriate persons, including officers and
67 24 employees in the executive branch, to assist in the
67 25 recruitment and examination of applicants for employment.
67 26 These officers and employees are not entitled to extra pay for
67 27 their services, but shall be paid their necessary traveling
67 28 and other expenses.

67 29 3. The human resource management powers and duties of the
67 30 department do not extend to the legislative branch or the
67 31 judicial branch of state government, except for functions
67 32 related to administering compensation and benefit programs.

67 33 MERIT SYSTEM
67 34 Sec. 59. NEW SECTION. 8A.411 MERIT SYSTEM ESTABLISHED ==
67 35 COLLECTIVE BARGAINING == APPLICABILITY.

68 1 1. The general purpose of this article is to establish for
68 2 the state of Iowa a system of human resource administration
68 3 based on merit principles and scientific methods to govern the
68 4 appointment, compensation, promotion, welfare, development,
68 5 transfer, layoff, removal, and discipline of its civil
68 6 employees, and other incidents of state employment.

68 7 2. It is also the purpose of this article to promote the
68 8 coordination of personnel rules and policies with collective
68 9 bargaining agreements negotiated under chapter 20.

68 10 3. All appointments and promotions to positions covered by
68 11 the state merit system shall be made solely on the basis of
68 12 merit and fitness, to be ascertained by examinations or other
68 13 appropriate screening methods, except as otherwise specified
68 14 in this article.

68 15 4. Provisions of this article pertaining to
68 16 qualifications, examination, certification, probation, and
68 17 just cause apply only to employees covered by the merit
68 18 system.

68 19 Sec. 60. NEW SECTION. 8A.412 MERIT SYSTEM ==
68 20 APPLICABILITY == EXCEPTIONS.

68 21 The merit system shall apply to all employees of the state
68 22 and to all positions in state government now existing or
68 23 hereafter established. In addition, the director shall
68 24 negotiate an agreement with the director of the department for
68 25 the blind concerning the applicability of the merit system to
68 26 the professional employees of the department for the blind.
68 27 However, the merit system shall not apply to the following:

68 28 1. The general assembly, employees of the general
68 29 assembly, other officers elected by popular vote, and persons
68 30 appointed to fill vacancies in elective offices.

68 31 2. All judicial officers and court employees.

68 32 3. The staff of the governor.

68 33 4. All board members and commissioners whose appointments
68 34 are provided for by the Code.

68 35 5. All presidents, deans, directors, teachers,
69 1 professional and scientific personnel, and student employees
69 2 under the jurisdiction of the state board of regents. The
69 3 state board of regents shall adopt rules not inconsistent with
69 4 the objectives of this chapter for all of its employees not
69 5 cited specifically in this subsection. The rules are subject
69 6 to approval by the director. If at any time the director
69 7 determines that the state board of regents merit system rules
69 8 do not comply with the intent of this chapter, the director
69 9 may direct the board to correct the rules. The rules of the
69 10 board are not in compliance until the corrections are made.

69 11 6. All appointments which are by law made by the governor.

69 12 7. All personnel of the armed services under state
69 13 jurisdiction.

69 14 8. Persons who are paid a fee on a contract=for=services
69 15 basis.

69 16 9. Seasonal employees appointed during a state agency's
69 17 designated six=month seasonal employment period during the
69 18 same annual twelve=month period, as approved by the director.

69 19 10. Residents, patients, or inmates working in state
69 20 institutions, or persons on parole working in work experience
69 21 programs.

69 22 11. Professional employees under the supervision of the
69 23 attorney general, the state public defender, the auditor of

69 24 state, the treasurer of state, and the public employment
69 25 relations board. However, employees of the consumer advocate
69 26 division of the department of justice, other than the consumer
69 27 advocate, are subject to the merit system.

69 28 12. Production and engineering personnel under the
69 29 jurisdiction of the Iowa public broadcasting board.

69 30 13. Members of the Iowa state patrol and other peace
69 31 officers employed by the department of public safety. The
69 32 commissioner of public safety shall adopt rules not
69 33 inconsistent with the objectives of this article for the
69 34 persons described in this subsection.

69 35 14. Professional employees of the arts division of the
70 1 department of cultural affairs.

70 2 15. The chief deputy administrative officer and each
70 3 division administrator of each state agency not otherwise
70 4 specifically provided for in this section, and physicians not
70 5 otherwise specifically provided for in this section. As used
70 6 in this subsection, "division administrator" means a principal
70 7 administrative or policymaking position designated by a chief
70 8 administrative officer and approved by the director or as
70 9 specified by law.

70 10 16. All confidential employees.

70 11 17. Other employees specifically exempted by law.

70 12 18. The administrator and the deputy administrator of the
70 13 credit union division of the department of commerce, all
70 14 members of the credit union review board, and all employees of
70 15 the credit union division.

70 16 19. The superintendent and the deputy superintendent of
70 17 the banking division of the department of commerce, all
70 18 members of the state banking board, and all employees of the
70 19 banking division.

70 20 20. Chief deputy industrial commissioners.

70 21 21. The appointee serving as the coordinator of the office
70 22 of renewable fuels and coproducts, as provided in section
70 23 159A.3.

70 24 22. All employees of the Iowa state fair authority.

70 25 23. Up to six nonprofessional employees designated at the
70 26 discretion of each statewide elected official.

70 27 24. The position classifications of employees of statewide
70 28 elected officials that were exempt from the merit system as of
70 29 June 30, 1994, shall remain exempt and any employees
70 30 subsequently hired to fill any exempt position vacancies shall
70 31 be classified as exempt employees.

70 32 Sec. 61. NEW SECTION. 8A.413 STATE HUMAN RESOURCE
70 33 MANAGEMENT == RULES.

70 34 The department shall adopt rules for the administration of
70 35 this article pursuant to chapter 17A. Rulemaking shall be
71 1 carried out with due regard to the terms of collective
71 2 bargaining agreements. A rule shall not supersede a provision
71 3 of a collective bargaining agreement negotiated under chapter
71 4 20. The rules shall provide:

71 5 1. For the preparation, maintenance, and revision of a job
71 6 classification plan that encompasses each job in the executive
71 7 branch, excluding job classifications under the state board of
71 8 regents, based upon assigned duties and responsibilities, so
71 9 that the same general qualifications may reasonably be
71 10 required for and the same pay plan may be equitably applied to
71 11 all jobs in the same job classification. The director shall
71 12 classify the position of every employee in the executive
71 13 branch, excluding employees of the state board of regents,
71 14 into one of the classes in the plan. An appointing authority
71 15 or employee adversely affected by a classification or
71 16 reclassification decision may file an appeal with the
71 17 director. Appeals of a classification or reclassification
71 18 decision shall be exempt from the provisions of section 17A.11
71 19 and shall be heard by a committee appointed by the director.

71 20 The classification or reclassification of a position that
71 21 would cause the expenditure of additional salary funds shall
71 22 not become effective if the expenditure of funds would be in
71 23 excess of the total amount budgeted for the department of the
71 24 appointing authority until budgetary approval has been
71 25 obtained from the director of the department of management.

71 26 When the public interest requires a decrease or increase of
71 27 employees in any position or type of employment not otherwise
71 28 provided by law, or the creation or abolishment of any
71 29 position or type of employment, the director, acting in good
71 30 faith, shall so notify the governor. Thereafter, the position
71 31 or type of employment shall stand abolished or created and the
71 32 number of employees therein reduced or increased.

71 33 2. For pay plans covering all employees in the executive
71 34 branch, excluding employees of the state board of regents,

71 35 after consultation with the governor and appointing
72 1 authorities, and consistent with the terms of collective
72 2 bargaining agreements negotiated under chapter 20.
72 3 3. For examinations to determine the relative fitness of
72 4 applicants for employment. Such examinations shall be
72 5 practical in character and shall relate to such matters as
72 6 will fairly assess the ability of the applicant to discharge
72 7 the duties of the position to which appointment is sought.
72 8 Where the Code of Iowa establishes certification,
72 9 registration, or licensing provisions, such documents shall be
72 10 considered prima facie evidence of basic skills accomplishment
72 11 and such persons shall be exempt from further basic skills
72 12 examination.
72 13 Vacancies shall be announced publicly at least ten days in
72 14 advance of the date fixed for the filing of applications for
72 15 the vacancies, and shall be advertised through the
72 16 communications media. The director may, however, in the
72 17 director's discretion, continue to receive applications and
72 18 examine candidates for a period adequate to assure a
72 19 sufficient number of eligibles to meet the needs of the
72 20 system, and may add the names of successful candidates to
72 21 existing eligible lists.
72 22 4. For promotions which shall give appropriate
72 23 consideration to the applicant's qualifications, record of
72 24 performance, and conduct. A promotion means a change in the
72 25 status of an employee from a position in one class to a
72 26 position in another class having a higher pay grade.
72 27 5. For the establishment of lists for appointment and
72 28 promotion, upon which lists shall be placed the names of
72 29 successful candidates.
72 30 6. For the rejection of applicants who fail to meet
72 31 reasonable requirements.
72 32 7. For the appointment by the appointing authority of a
72 33 person on the appropriate list to fill a vacancy.
72 34 8. For a probation period of six months, excluding
72 35 educational or training leave, before appointment may be made
73 1 complete, and during which period a probationer may be
73 2 discharged or reduced in class or pay. If the employee's
73 3 services are unsatisfactory, the employee shall be dropped
73 4 from the payroll on or before the expiration of the probation
73 5 period. If satisfactory, the appointment shall be deemed
73 6 permanent. The determination of the appointing authority
73 7 shall be final and conclusive.
73 8 9. For temporary employment for not more than seven
73 9 hundred eighty hours in a fiscal year.
73 10 10. For provisional employment when there is no
73 11 appropriate list available. Such provisional employment shall
73 12 not continue longer than one hundred eighty calendar days.
73 13 11. For transfer from a position in one state agency to a
73 14 similar position in the same state agency or another state
73 15 agency involving similar qualifications, duties,
73 16 responsibilities, and salary ranges. Whenever an employee
73 17 transfers or is transferred from one state agency to another
73 18 state agency, the employee's seniority rights, any accumulated
73 19 sick leave, and accumulated vacation time, as provided in the
73 20 law, shall be transferred to the new place of employment and
73 21 credited to the employee. Employees who are subject to
73 22 contracts negotiated under chapter 20 which include transfer
73 23 provisions shall be governed by the contract provisions.
73 24 12. For reinstatement of persons who have attained
73 25 permanent status and who resign in good standing or who are
73 26 laid off from their positions without fault or delinquency on
73 27 their part.
73 28 13. For establishing in cooperation with the appointing
73 29 authorities a performance management system for all employees
73 30 in the executive branch, excluding employees of the state
73 31 board of regents, which shall be considered in determining
73 32 salary increases; as a factor in promotions; as a factor in
73 33 determining the order of layoffs and in reinstatement; as a
73 34 factor in demotions, discharges, and transfers; and for the
73 35 regular evaluation, at least annually, of the qualifications
74 1 and performance of those employees.
74 2 14. For layoffs by reason of lack of funds or work, or
74 3 reorganization, and for the recall of employees so laid off,
74 4 giving consideration in layoffs to the employee's performance
74 5 record and length of service. An employee who has been laid
74 6 off may be on a recall list for one year, which list shall be
74 7 exhausted by the organizational unit enforcing the layoff
74 8 before selection of an employee may be made from the
74 9 promotional or nonpromotional list in the employee's
74 10 classification. Employees who are subject to contracts

74 11 negotiated under chapter 20 which include layoff and recall
74 12 provisions shall be governed by the contract provisions.

74 13 15. For imposition, as a disciplinary measure, of a
74 14 suspension from service without pay.

74 15 16. For discharge, suspension, or reduction in job
74 16 classification or pay grade for any of the following causes:
74 17 failure to perform assigned duties; inadequacy in performing
74 18 assigned duties; negligence; inefficiency; incompetence;
74 19 insubordination; unrehabilitated alcoholism or narcotics
74 20 addiction; dishonesty; unlawful discrimination; failure to
74 21 maintain a license, certificate, or qualification necessary
74 22 for a job classification or position; any act or conduct which
74 23 adversely affects the employee's performance or the employing
74 24 agency; or any other good cause for discharge, suspension, or
74 25 reduction. The person discharged, suspended, or reduced shall
74 26 be given a written statement of the reasons for the discharge,
74 27 suspension, or reduction within twenty-four hours after the
74 28 discharge, suspension, or reduction. All persons concerned
74 29 with the administration of this article shall use their best
74 30 efforts to ensure that this article and the rules adopted
74 31 pursuant to this article shall not be a means of protecting or
74 32 retaining unqualified or unsatisfactory employees, and shall
74 33 discharge, suspend, or reduce in job classification or pay
74 34 grade all employees who should be discharged, suspended, or
74 35 reduced for any of the causes stated in this subsection.

75 1 17. For establishment of a uniform plan for resolving
75 2 employee grievances and complaints. Employees who are subject
75 3 to contracts negotiated under chapter 20 which include
75 4 grievance and complaint provisions shall be governed by the
75 5 contract provisions.

75 6 18. For attendance regulations, and special leaves of
75 7 absence, with or without pay, or reduced pay, in the various
75 8 classes of positions in the executive branch, excluding
75 9 positions under the state board of regents. Employees who are
75 10 subject to contracts negotiated under chapter 20 which include
75 11 leave of absence provisions shall be governed by the contract
75 12 provisions. Annual sick leave and vacation time shall be
75 13 granted in accordance with section 70A.1.

75 14 19. For the development and operation of programs to
75 15 improve the work effectiveness and morale of employees in the
75 16 executive branch, excluding employees of the state board of
75 17 regents, including training, safety, health, welfare,
75 18 counseling, recreation, and employee relations.

75 19 20. Notwithstanding any provisions to the contrary, a rule
75 20 or regulation shall not be adopted by the department which
75 21 would deprive the state of Iowa, or any of its agencies or
75 22 institutions, of federal grants or other forms of financial
75 23 assistance.

75 24 21. For veterans preference through a provision that
75 25 veterans, as defined in section 35.1, shall have five points
75 26 added to the grade or score attained in qualifying
75 27 examinations for appointment to jobs.

75 28 Veterans who have a service-connected disability or are
75 29 receiving compensation, disability benefits, or pension under
75 30 laws administered by the veterans administration shall have
75 31 ten points added to the grades attained in qualifying
75 32 examinations. A veteran who has been awarded the purple heart
75 33 for disabilities incurred in action shall be considered to
75 34 have a service-connected disability.

75 35 22. For acceptance of the qualifications, requirements,
76 1 regulations, and general provisions established under other
76 2 sections of the Code pertaining to professional registration,
76 3 certification, and licensing.

76 4 Sec. 62. NEW SECTION. 8A.414 EXPERIMENTAL RESEARCH
76 5 PROJECTS.

76 6 The director may conduct experimental or research
76 7 personnel-related projects of limited duration designed to
76 8 improve the quality of the employment system. The provisions
76 9 of section 8A.413 or administrative rules adopted pursuant to
76 10 that section are waived for the purposes of such projects.
76 11 Projects adopted under this authority shall not violate
76 12 existing collective bargaining agreements. Any projects that
76 13 relate to issues covered by such agreements or issues that are
76 14 mandatory subjects of collective bargaining are subject to
76 15 negotiations as applicable. The director shall notify the
76 16 chairpersons of the standing committees on appropriations of
76 17 the senate and the house of representatives and the
76 18 chairpersons of the appropriate subcommittees of those
76 19 committees of the proposed projects. The notice from the
76 20 director shall include the purpose of the project, a
76 21 description of the project, and how the project will be

76 22 evaluated. Chairpersons notified shall be given at least two
76 23 weeks to review and comment on the proposal before the project
76 24 is implemented. The director shall report the results of the
76 25 experimental research projects conducted in the preceding
76 26 fiscal year to the legislative council by September 30 of each
76 27 year.

76 28 Sec. 63. NEW SECTION. 8A.415 GRIEVANCES AND DISCIPLINE
76 29 RESOLUTION.

76 30 1. GRIEVANCES. An employee, except an employee covered by
76 31 a collective bargaining agreement which provides otherwise,
76 32 who has exhausted the available agency steps in the uniform
76 33 grievance procedure provided for in the department rules may,
76 34 within seven calendar days following the date a decision was
76 35 received or should have been received at the second step of
77 1 the grievance procedure, file the grievance at the third step
77 2 with the director. The director shall respond within thirty
77 3 calendar days following receipt of the third step grievance.

77 4 If not satisfied, the employee may, within thirty calendar
77 5 days following the director's response, file an appeal with
77 6 the public employment relations board. The hearing shall be
77 7 conducted in accordance with the rules of the public
77 8 employment relations board and the Iowa administrative
77 9 procedure Act, chapter 17A. Decisions rendered shall be based
77 10 upon a standard of substantial compliance with this article
77 11 and the rules of the department. Decisions by the public
77 12 employment relations board constitute final agency action.

77 13 For purposes of this subsection, "uniform grievance
77 14 procedure" does not include procedures for discipline and
77 15 discharge.

77 16 2. DISCIPLINE RESOLUTION. A merit system employee, except
77 17 an employee covered by a collective bargaining agreement, who
77 18 is discharged, suspended, demoted, or otherwise reduced in
77 19 pay, except during the employee's probationary period, may
77 20 bypass steps one and two of the grievance procedure and appeal
77 21 the disciplinary action to the director within seven calendar
77 22 days following the effective date of the action. The director
77 23 shall respond within thirty calendar days following receipt of
77 24 the appeal.

77 25 If not satisfied, the employee may, within thirty calendar
77 26 days following the director's response, file an appeal with
77 27 the public employment relations board. The employee has the
77 28 right to a hearing closed to the public, unless a public
77 29 hearing is requested by the employee. The hearing shall
77 30 otherwise be conducted in accordance with the rules of the
77 31 public employment relations board and the Iowa administrative
77 32 procedure Act, chapter 17A. If the public employment
77 33 relations board finds that the action taken by the appointing
77 34 authority was for political, religious, racial, national
77 35 origin, sex, age, or other reasons not constituting just
78 1 cause, the employee may be reinstated without loss of pay or
78 2 benefits for the elapsed period, or the public employment
78 3 relations board may provide other appropriate remedies.
78 4 Decisions by the public employment relations board constitute
78 5 final agency action.

78 6 Sec. 64. NEW SECTION. 8A.416 DISCRIMINATION, POLITICAL
78 7 ACTIVITY, USE OF OFFICIAL INFLUENCE PROHIBITED.

78 8 1. A person shall not be appointed or promoted to, or
78 9 demoted or discharged from, any position in the merit system,
78 10 or in any way favored or discriminated against with respect to
78 11 employment in the merit system because of the person's
78 12 political or religious opinions or affiliations or race or
78 13 national origin or sex, or age.

78 14 2. A person holding a position in the classified service
78 15 shall not, during the person's working hours or when
78 16 performing the person's duties or when using state equipment
78 17 or at any time on state property, take part in any way in
78 18 soliciting any contribution for any political party or any
78 19 person seeking political office, and such employee shall not
78 20 engage in any political activity that will impair the
78 21 employee's efficiency during working hours or cause the
78 22 employee to be tardy or absent from work. This section does
78 23 not preclude any employee from holding any office for which no
78 24 pay is received or any office for which only token pay is
78 25 received.

78 26 3. A person shall not seek or attempt to use any political
78 27 endorsement in connection with any appointment to a position
78 28 in the merit system.

78 29 4. A person shall not use or promise to use, directly or
78 30 indirectly, any official authority or influence, whether
78 31 possessed or anticipated, to secure or attempt to secure for
78 32 any person an appointment or advantage in appointment to a

78 33 position in the merit system, or an increase in pay or other
78 34 advantage in employment in any such position, for the purpose
78 35 of influencing the vote or political action of any person or
79 1 for any consideration.

79 2 5. An employee shall not use the employee's official
79 3 authority or influence for the purpose of interfering with an
79 4 election or affecting the results thereof.

79 5 6. Any officer or employee who violates this section shall
79 6 be subject to suspension, dismissal, or demotion subject to
79 7 the right of appeal provided in this article.

79 8 7. The director shall adopt any rules necessary for
79 9 further restricting political activities of employees in the
79 10 executive branch, but only to the extent necessary to comply
79 11 with federal standards. Employees retain the right to vote as
79 12 they please and to express their opinions on all subjects.

79 13 Sec. 65. NEW SECTION. 8A.417 PROHIBITED ACTIONS.

79 14 1. A person shall not make any false statement,
79 15 certificate, mark, rating, or report with regard to any
79 16 examination or appointment made under this article or in any
79 17 manner commit or attempt to commit any fraud preventing the
79 18 impartial execution of this article and the rules adopted
79 19 pursuant to this article.

79 20 2. A person shall not, directly or indirectly, give,
79 21 render, pay, offer, solicit, or accept any money, service, or
79 22 other valuable consideration for or on account of any
79 23 appointment, proposed appointment, promotion, or proposed
79 24 promotion to, or any advantage in, a position in the merit
79 25 system.

79 26 3. An employee of the department or any other person shall
79 27 not defeat, deceive, or obstruct any person in the person's
79 28 right to examination or appointment under this article, or
79 29 furnish to any person any special or secret information for
79 30 the purpose of affecting the rights or prospects of any person
79 31 with respect to employment in the merit system.

79 32 4. A person shall not discharge an employee from or take
79 33 or fail to take action regarding an employee's appointment or
79 34 proposed appointment to, promotion or proposed promotion to,
79 35 or any advantage in, a position in a merit system administered
80 1 by, or subject to approval of, the director as a reprisal for
80 2 a failure by that employee to inform the person that the
80 3 employee made a disclosure of information permitted by this
80 4 section, or for a disclosure of any information by that
80 5 employee to a member or employee of the general assembly, or
80 6 for a disclosure of information to any other public official
80 7 or law enforcement agency if the employee reasonably believes
80 8 the information evidences a violation of law or rule,
80 9 mismanagement, a gross abuse of funds, an abuse of authority,
80 10 or a substantial and specific danger to public health or
80 11 safety. However, an employee may be required to inform the
80 12 person that the employee made a disclosure of information
80 13 permitted by this section if the employee represented that the
80 14 disclosure was the official position of the employee's
80 15 immediate supervisor or employer. This subsection does not
80 16 apply if the disclosure of the information is prohibited by
80 17 statute.

80 18 Sec. 66. NEW SECTION. 8A.418 FEDERAL PROGRAMS EXEMPTION
80 19 EXCEPTIONS == PENALTY.

80 20 1. Notwithstanding the provisions of this article to the
80 21 contrary, a person employed under a temporary, emergency
80 22 employment utilization program funded by the federal
80 23 government which program does not exceed one year and which
80 24 program is not subject to merit system standards by federal
80 25 law, shall be exempt from this article except as provided in
80 26 this section.

80 27 2. A person employed as provided in this section shall be
80 28 subject to the provisions of section 8A.416 relating to
80 29 political activity and the civil penalties contained in such
80 30 section and, consistent with subsection 1, the provisions of
80 31 section 8A.417 relating to prohibited actions.

80 32 3. A person violating this section shall be subject to the
80 33 penalty provided for in section 8A.458.

80 34 EMPLOYEE BENEFITS

80 35 Sec. 67. NEW SECTION. 8A.431 IOWA MANAGEMENT TRAINING
81 1 SYSTEM == TRAINING REVOLVING FUND.

81 2 1. The department shall establish and administer an Iowa
81 3 management training system for the state.

81 4 2. A training revolving fund is created in the state
81 5 treasury under the control of the department. The moneys
81 6 credited to the fund shall be used for the purpose of paying
81 7 actual and necessary expenses incurred by the department in
81 8 administering the training system. All fees, grants, or

81 9 specific appropriations for this purpose shall be credited to
81 10 the fund. The fees for the training system courses shall be
81 11 set by the director to cover the costs of course development,
81 12 training materials, facilities and equipment, professional
81 13 instructors, and administration. The fees shall be paid to
81 14 the department by the state agency sending the employees for
81 15 training and the payment shall be credited to the training
81 16 revolving fund. Notwithstanding section 8.33, moneys in the
81 17 revolving fund shall not revert. Notwithstanding section
81 18 12C.7, subsection 2, interest or earnings on moneys deposited
81 19 in the fund shall be credited to the fund.

81 20 Sec. 68. NEW SECTION. 8A.432 COMBINED CHARITABLE
81 21 CAMPAIGN PROGRAM, FEES, REVOLVING FUND.

81 22 1. The department shall establish and administer a
81 23 combined charitable campaign program for state employees.

81 24 2. A combined charitable campaign revolving fund is
81 25 created in the state treasury under the control of the
81 26 department. The moneys credited to the fund shall be used for
81 27 the purpose of paying actual and necessary expenses incurred
81 28 by the department in administering the program.

81 29 Administrative expenses shall not exceed five percent of the
81 30 contributions pledged the previous year. All fees, grants, or
81 31 specific appropriations for this purpose shall be credited to
81 32 the fund. The fees for the program shall be set by the
81 33 director to cover only the cost of administration and
81 34 materials and shall not cover salaries of state employees
81 35 involved in the administration of the program. The fees shall

82 1 be paid to the department from the voluntary employee
82 2 contributions and the payment shall be credited to the
82 3 revolving fund. Notwithstanding section 8.33, any moneys in
82 4 the fund shall not revert. Notwithstanding section 12C.7,
82 5 subsection 2, interest or earnings on moneys deposited in the
82 6 fund shall be credited to the fund.

82 7 Sec. 69. NEW SECTION. 8A.433 DEFERRED COMPENSATION PLAN.

82 8 The department shall make available to eligible state
82 9 employees the option of utilizing mutual funds as an
82 10 investment alternative to the state's deferred compensation
82 11 plan established under section 509A.12. Participating
82 12 employees shall, to the extent permitted by law, be allowed to
82 13 transfer moneys deferred under the plan to a mutual fund
82 14 offered pursuant to section 509A.12. The department may make
82 15 the deferred compensation plan established pursuant to this
82 16 section available to governmental employees of a public entity
82 17 authorized to establish a deferred compensation program
82 18 pursuant to section 509A.12.

82 19 Sec. 70. NEW SECTION. 8A.434 IOWA STATE EMPLOYEE
82 20 DEFERRED COMPENSATION TRUST FUND.

82 21 1. A separate, special Iowa state employee deferred
82 22 compensation trust fund is created in the state treasury under
82 23 the control of the department. The fund shall consist of all
82 24 moneys deposited in the fund pursuant to this section, any
82 25 other assets that must be held in trust for the exclusive
82 26 benefit of participants in the state's deferred compensation
82 27 program as required by section 457 of the federal Internal
82 28 Revenue Code, and interest and earnings thereon, and shall be
82 29 used for the exclusive benefit of participants in a deferred
82 30 compensation program established by the state under section
82 31 509A.12.

82 32 2. The director is the trustee of the fund and shall
82 33 administer the fund. Any loss to the fund shall be charged
82 34 against the fund and the director shall not be personally
82 35 liable for such loss. In addition, the director is the
83 1 trustee of any trusts referenced in section 457(g) of the
83 2 federal Internal Revenue Code. Any loss to the trusts shall
83 3 be charged against the trusts and the director shall not be
83 4 personally liable for such loss.

83 5 3. Any compensation or portion of compensation reduced by
83 6 a participant in conjunction with a deferred compensation
83 7 program established by the state under section 509A.12 and any
83 8 earnings or income thereon shall be held in trust and used for
83 9 the exclusive benefit of the participant or the participant's
83 10 beneficiary as provided by section 457 of the federal Internal
83 11 Revenue Code.

83 12 4. For purposes of this section, custodial accounts,
83 13 annuity contracts, and any other contracts referenced in
83 14 section 457(g) of the federal Internal Revenue Code shall be
83 15 treated as trusts for purposes of section 457 of the federal
83 16 Internal Revenue Code.

83 17 5. Moneys in the fund are not subject to section 8.33.
83 18 Notwithstanding section 12C.7, subsection 2, interest or
83 19 earnings on moneys in the fund shall be credited to the fund.

83 20 Sec. 71. NEW SECTION. 8A.435 STATE EMPLOYEE DEFERRED
83 21 COMPENSATION MATCH TRUST FUND.
83 22 1. A separate, special Iowa state employee deferred
83 23 compensation match trust fund is created in the state treasury
83 24 under the control of the department. The trust fund shall
83 25 consist of all moneys deposited in the fund, and other assets
83 26 that must be held in trust for the exclusive benefit of
83 27 participants in the state's deferred compensation match
83 28 program as required by section 401(a) of the federal Internal
83 29 Revenue Code, and interest and earnings thereon, and shall be
83 30 used for the exclusive benefit of participants and their
83 31 beneficiaries in a deferred compensation match program
83 32 established by the state under section 509A.12.
83 33 2. The director is the trustee of the fund and shall
83 34 administer the fund. Any loss to the fund shall be charged
83 35 against the trust and the director shall not be personally
84 1 liable for such loss.
84 2 3. Moneys in the fund are not subject to section 8.33.
84 3 Notwithstanding section 12C.7, subsection 2, interest or
84 4 earnings on moneys in the fund shall be credited to the fund.
84 5 Sec. 72. NEW SECTION. 8A.436 STATE EMPLOYEE DEPENDENT
84 6 CARE SPENDING ACCOUNT TRUST FUND.
84 7 1. A separate, special Iowa state employee dependent care
84 8 spending account trust fund is created in the state treasury
84 9 under the control of the department. The trust fund consists
84 10 of all moneys, including monthly administrative charges paid
84 11 by a state department or agency as authorized by section
84 12 8A.451, held in trust for the exclusive benefit of
84 13 participants in the state's dependent care spending account
84 14 plan. Moneys in the fund are not subject to section 8.33.
84 15 Notwithstanding section 12C.7, interest and earnings from
84 16 moneys in the trust fund shall be credited to the trust fund
84 17 and shall be used exclusively for the benefit of plan
84 18 participants.
84 19 2. The director shall serve as trustee of the trust fund
84 20 and shall administer the fund as required by sections 125 and
84 21 129 of the federal Internal Revenue Code. Any loss to the
84 22 fund shall be charged against the fund and the director shall
84 23 not be personally liable for such loss. The director has the
84 24 authority to direct expenditures as deemed appropriate to the
84 25 exclusive benefit of the plan participants.
84 26 Sec. 73. NEW SECTION. 8A.437 STATE EMPLOYEE HEALTH
84 27 FLEXIBLE SPENDING ACCOUNT TRUST FUND.
84 28 1. The director shall establish for state employees a
84 29 health flexible spending account plan which offers multiple
84 30 benefits to state employees. The state's health flexible
84 31 spending account plan shall be established to meet the
84 32 conditions of section 125 of the Internal Revenue Code of
84 33 1986.
84 34 2. A separate, special Iowa state employee health flexible
84 35 spending account trust fund is created in the state treasury
85 1 under the control of the department. The trust fund consists
85 2 of all moneys appropriated to the fund, all monthly
85 3 administrative charges paid by a state department or agency as
85 4 authorized by section 8A.451, and any other assets directed to
85 5 be held in trust for the exclusive benefit of participants in
85 6 the state's health flexible spending account plan. Moneys in
85 7 the fund are not subject to section 8.33. Notwithstanding
85 8 section 12C.7, interest and earnings from moneys in the trust
85 9 fund shall be credited to the trust fund and shall be used
85 10 exclusively for the benefit of plan participants.
85 11 3. The director shall serve as trustee of the trust fund
85 12 and has the authority to direct expenditures as deemed
85 13 appropriate to the exclusive benefit of the plan participants.
85 14 Sec. 74. NEW SECTION. 8A.438 ANNUITY CONTRACTS.
85 15 1. At the request of an employee of a state agency through
85 16 contractual agreement, the director may arrange for the
85 17 purchase of group or individual annuity contracts for any of
85 18 the employees of that agency, which annuity contracts are
85 19 issued by a nonprofit corporation issuing retirement annuities
85 20 exclusively for educational institutions and their employees
85 21 or are purchased from any company the employee chooses that is
85 22 authorized to do business in this state or through an Iowa=
85 23 licensed salesperson that the employee selects, on a group or
85 24 individual basis, for retirement or other purposes, and may
85 25 make payroll deductions in accordance with the arrangements
85 26 for the purpose of paying the entire premium due and to become
85 27 due under the contract. The deductions shall be made in the
85 28 manner which will qualify the annuity premiums for the
85 29 benefits afforded under section 403(b) of the Internal Revenue
85 30 Code, as defined in section 422.3. The employee's rights

85 31 under the annuity contract are nonforfeitable except for the
85 32 failure to pay premiums. As used in this section, unless the
85 33 context otherwise requires, "annuity contract" includes any
85 34 custodial account which meets the requirements of section
85 35 403(b)(7) of the Internal Revenue Code, as defined in section
86 1 422.3.

86 2 2. Whenever an existing tax-sheltered annuity contract is
86 3 to be replaced by a new contract, the agent or representative
86 4 of the company shall send a letter of intent by registered
86 5 mail at least thirty days prior to any action to the company
86 6 being replaced, to the commissioner of insurance of this
86 7 state, to the agent's own company, and to the director. The
86 8 letter of intent shall contain the policy number and
86 9 description of the contract being replaced and a description
86 10 of the replacement contract.

86 11 Sec. 75. NEW SECTION. 8A.439 LONGEVITY PAY PROHIBITED ==
86 12 EXCEPTION.

86 13 A state employee subject to the provisions of this article
86 14 shall not be entitled to longevity pay except for those
86 15 employees granted longevity pay pursuant to section 307.48.

86 16 STATE HUMAN RESOURCE MANAGEMENT OPERATIONS
86 17 MISCELLANEOUS PROVISIONS

86 18 Sec. 76. NEW SECTION. 8A.451 HUMAN RESOURCES
86 19 ADMINISTRATIVE COSTS.

86 20 1. The department may quarterly render a statement to each
86 21 department or agency which operates in whole or in part from
86 22 other than general fund appropriations for a pro rata share of
86 23 the cost of administration of the department, or a portion
86 24 thereof, as it relates to the state human resources management
86 25 duties of the department pursuant to this article. The
86 26 expense shall be paid by the state department or agency in the
86 27 same manner as other expenses of that department or agency are
86 28 paid and all moneys received shall be deposited in the general
86 29 fund of the state.

86 30 2. The department shall render monthly a statement to each
86 31 state department or agency for a pro rata share of the cost of
86 32 administration of the state employee flexible spending
86 33 accounts. The expense shall be paid by the state department
86 34 or agency in the same manner as other expenses of that state
86 35 department or agency are paid and all moneys received for
87 1 administration costs shall be deposited in the appropriate
87 2 fund.

87 3 Sec. 77. NEW SECTION. 8A.452 USE OF PUBLIC BUILDINGS.

87 4 All officers and employees of the state and of political
87 5 subdivisions of the state shall allow the department the
87 6 reasonable use of public buildings under their control, and
87 7 furnish heat, light, and furniture for any examination,
87 8 hearing, or investigation authorized by this article. The
87 9 department shall pay to a political subdivision the reasonable
87 10 cost of any such facilities furnished.

87 11 Sec. 78. NEW SECTION. 8A.453 AID BY STATE EMPLOYEES ==
87 12 RECORDS AND INFORMATION.

87 13 1. All officers and employees of the state shall comply
87 14 with and aid in all proper ways in carrying out the provisions
87 15 of this article and the rules and orders under this article.
87 16 All officers and employees shall furnish any records or
87 17 information which the director requires for any purpose of
87 18 this article. The director may institute and maintain any
87 19 action or proceeding at law or in equity that the director
87 20 considers necessary or appropriate to secure compliance with
87 21 this article and the rules and orders under this article.

87 22 2. The director may delegate to a person in any
87 23 department, agency, board, commission, or office, located away
87 24 from the seat of government, any of the duties imposed by this
87 25 article upon the director.

87 26 Sec. 79. NEW SECTION. 8A.454 HEALTH INSURANCE
87 27 ADMINISTRATION FUND.

87 28 1. A separate, special Iowa state health insurance
87 29 administration fund is created in the state treasury under the
87 30 control of the department. The fund shall consist of all
87 31 moneys deposited in the fund from proceeds of a monthly per
87 32 contract administrative charge assessed and collected by the
87 33 department. Moneys deposited in the fund shall be expended by
87 34 the department for health insurance program administration
87 35 costs. Notwithstanding section 12C.7, subsection 2, interest
88 1 or earnings on moneys deposited in the fund shall be credited
88 2 to the fund.

88 3 2. A monthly per contract administrative charge shall be
88 4 assessed by the department on all health insurance plans
88 5 administered by the department in which the contract holder
88 6 has a state employer to pay the charge. The amount of the

88 7 administrative charge shall be established by the general
88 8 assembly. The department shall collect the administrative
88 9 charge from each department utilizing the centralized payroll
88 10 system and shall deposit the proceeds in the fund. In
88 11 addition, the state board of regents, all library service
88 12 areas, the state fair board, the state department of
88 13 transportation, and each judicial district department of
88 14 correctional services shall remit the administrative charge on
88 15 a monthly basis to the department and shall submit a report to
88 16 the department containing the number and type of health
88 17 insurance contracts held by each of its employees whose health
88 18 insurance is administered by the department.

88 19 3. The expenditure of moneys from the fund in any fiscal
88 20 year shall not exceed the amount of the monthly charge
88 21 established by the general assembly multiplied by the number
88 22 of health insurance contracts in effect at the beginning of
88 23 the same fiscal year in which the expenditures shall be made.
88 24 Any unencumbered or unobligated moneys in the fund at the end
88 25 of the fiscal year shall not revert but shall be transferred
88 26 to the health insurance premium reserve fund established
88 27 pursuant to section 509A.5.

88 28 4. This section is repealed July 1, 2007.

88 29 Sec. 80. NEW SECTION. 8A.455 CERTIFICATION OF PAYROLLS
88 30 == ACTIONS.

88 31 1. A state disbursing or auditing officer shall not make
88 32 or approve or take part in making or approving a payment for
88 33 personnel services to any person unless the payroll voucher or
88 34 account of the pay bears the certification of the director, or
88 35 of the director's authorized agent, that the persons named
89 1 have been appointed and employed in accordance with this
89 2 article and the rules and orders under this article, and that
89 3 funds are available for the payment of the persons.

89 4 2. The director may, for proper cause, withhold
89 5 certification from an entire payroll or from any specific item
89 6 or items on a payroll. The director may, however, provide
89 7 that certification of payrolls may be made once every year,
89 8 and such certification shall remain in effect except in the
89 9 case of any officer or employee whose status has changed after
89 10 the last certification of the officer's or employee's payroll.
89 11 In the latter case a voucher for payment of salary to such
89 12 employee shall not be issued or payment of salary shall not be
89 13 made without further certification by the director.

89 14 3. Any citizen may maintain an action in accordance with
89 15 chapter 17A to restrain a disbursing officer from making any
89 16 payment in contravention of this article, or rule or order
89 17 under this article. Any sum paid contrary to this article or
89 18 any rule or order under this article may be recovered in an
89 19 action in accordance with chapter 17A maintained by any
89 20 citizen, from any officer who made, approved, or authorized
89 21 such payment or who signed or countersigned a voucher,
89 22 payroll, check, or warrant for such payment, or from the
89 23 sureties on the official bond of any such officer. All moneys
89 24 recovered in any such action shall be paid into the state
89 25 treasury.

89 26 4. Any person appointed or employed in contravention of
89 27 this article or of any rule or order under this article who
89 28 performs service for which the person is not paid may maintain
89 29 an action in accordance with chapter 17A against the officer
89 30 or officers who purported so to appoint or employ the person
89 31 to recover the agreed pay for such services or the reasonable
89 32 value of the services if no pay was agreed upon. An officer
89 33 shall not be reimbursed by the state at any time for any sum
89 34 paid to such person on account of such services.

89 35 5. If the director wrongfully withholds certification of
90 1 the payroll voucher or account of any employee, such employee
90 2 may maintain a proceeding in accordance with chapter 17A in
90 3 the courts to compel the director to certify such a payroll
90 4 voucher or account.

90 5 Sec. 81. NEW SECTION. 8A.456 ACCESS TO RECORDS.

90 6 1. An employee subject to the provisions of this article
90 7 shall have access to the employee's personal file.

90 8 2. An applicant for a position subject to the provisions
90 9 of this article shall be permitted to review, in accordance
90 10 with such rules as the director may prescribe, any evaluation
90 11 resulting from the application for employment.

90 12 Sec. 82. NEW SECTION. 8A.457 WORKERS' COMPENSATION
90 13 CLAIMS.

90 14 The director shall employ appropriate staff to handle and
90 15 adjust claims of state employees for workers' compensation
90 16 benefits pursuant to chapters 85, 85A, 85B, and 86, or with
90 17 the approval of the executive council contract for the

90 18 services or purchase workers' compensation insurance coverage
90 19 for state employees or selected groups of state employees. A
90 20 state employee workers' compensation fund is created in the
90 21 state treasury under the control of the department to pay
90 22 state employee workers' compensation claims and administrative
90 23 costs. The department shall establish a rating formula and
90 24 assess premiums to all agencies, departments, and divisions of
90 25 the state including those which have not received an
90 26 appropriation for the payment of workers' compensation
90 27 insurance and which operate from moneys other than from the
90 28 general fund of the state. The department shall collect the
90 29 premiums and deposit them into the state employee workers'
90 30 compensation fund. Notwithstanding section 8.33, moneys
90 31 deposited in the state employee workers' compensation fund
90 32 shall not revert to the general fund of the state at the end
90 33 of any fiscal year, but shall remain in the state employee
90 34 workers' compensation fund and be continuously available to
90 35 pay state employee workers' compensation claims. The director
91 1 may, to the extent practicable, contract with a private
91 2 organization to handle the processing and payment of claims
91 3 and services rendered under the provisions of this section.

91 4 Sec. 83. NEW SECTION. 8A.458 PENALTY.
91 5 A person who willfully violates this article or any rules
91 6 adopted pursuant to this article, where no other penalty is
91 7 prescribed, is guilty of a simple misdemeanor.

91 8 ARTICLE 5
91 9 FINANCIAL ADMINISTRATION

91 10 Sec. 84. NEW SECTION. 8A.502 FINANCIAL ADMINISTRATION
91 11 DUTIES.

91 12 The department shall provide for the efficient management
91 13 and administration of the financial resources of state
91 14 government and shall have and assume the following powers and
91 15 duties:

91 16 1. CENTRALIZED ACCOUNTING SYSTEM. To assume the
91 17 responsibilities related to a centralized accounting system
91 18 for state government.

91 19 2. SETOFF PROCEDURES. To establish and maintain a setoff
91 20 procedure as provided in section 8A.504.

91 21 3. COST ALLOCATION SYSTEM. To establish a cost allocation
91 22 system as provided in section 8A.505.

91 23 4. COLLECTION AND PAYMENT OF FUNDS == MONTHLY PAYMENTS.
91 24 To control the payment of all moneys into the state treasury,
91 25 and all payments from the state treasury by the preparation of
91 26 appropriate warrants, or warrant checks, directing such
91 27 collections and payment, and to advise the treasurer of state
91 28 monthly in writing of the amount of public funds not currently
91 29 needed for operating expenses. Whenever the state treasury
91 30 includes state funds that require distribution to counties,
91 31 cities, or other political subdivisions of this state, and the
91 32 counties, cities, and other political subdivisions certify to
91 33 the director that warrants will be stamped for lack of funds
91 34 within the thirty-day period following certification, the
91 35 director may partially distribute the funds on a monthly
92 1 basis. Whenever the law requires that any funds be paid by a
92 2 specific date, the director shall prepare a final accounting
92 3 and shall make a final distribution of any remaining funds
92 4 prior to that date.

92 5 5. PREAUDIT SYSTEM. To establish and fix a reasonable
92 6 imprest cash fund for each state department and institution
92 7 for disbursement purposes where needed. These revolving funds
92 8 shall be reimbursed only upon vouchers approved by the
92 9 director. It is the purpose of this subsection to establish a
92 10 preaudit system of settling all claims against the state, but
92 11 the preaudit system is not applicable to any of the following:

92 12 a. Institutions under the control of the state board of
92 13 regents.

92 14 b. The state fair board as established in chapter 173.

92 15 c. The Iowa dairy industry commission as established in
92 16 chapter 179, the Iowa beef cattle producers association as
92 17 established in chapter 181, the Iowa pork producers council as
92 18 established in chapter 183A, the Iowa egg council as
92 19 established in chapter 184, the Iowa turkey marketing council
92 20 as established in chapter 184A, the Iowa soybean promotion
92 21 board as established in chapter 185, and the Iowa corn
92 22 promotion board as established in chapter 185C.

92 23 6. AUDIT OF CLAIMS. To set rules and procedures for the
92 24 preaudit of claims by individual agencies or organizations.
92 25 The director reserves the right to refuse to accept incomplete
92 26 or incorrect claims and to review, preaudit, or audit claims
92 27 as determined by the director.

92 28 7. CONTRACTS. To certify, record, and encumber all formal

92 29 contracts to prevent overcommitment of appropriations and
92 30 allotments.

92 31 8. ACCOUNTS. To keep the central budget and proprietary
92 32 control accounts of the general fund of the state and special
92 33 funds, as defined in section 8.2, of the state government.
92 34 Upon elimination of the state deficit under generally accepted
92 35 accounting principles, including the payment of items budgeted
93 1 in a subsequent fiscal year which under generally accepted
93 2 accounting principles should be budgeted in the current fiscal
93 3 year, the recognition of revenues received and expenditures
93 4 paid and transfers received and paid within the time period
93 5 required pursuant to section 8.33 shall be in accordance with
93 6 generally accepted accounting principles. Budget accounts are
93 7 those accounts maintained to control the receipt and
93 8 disposition of all funds, appropriations, and allotments.
93 9 Proprietary accounts are those accounts relating to assets,
93 10 liabilities, income, and expense. For each fiscal year, the
93 11 financial position and results of operations of the state
93 12 shall be reported in a comprehensive annual financial report
93 13 prepared in accordance with generally accepted accounting
93 14 principles, as established by the governmental accounting
93 15 standards board.

93 16 9. FAIR BOARD AND BOARD OF REGENTS. To control the
93 17 financial operations of the state fair board and the
93 18 institutions under the state board of regents:

93 19 a. By charging all warrants issued to the respective
93 20 educational institutions and the state fair board to an
93 21 advance account to be further accounted for and not as an
93 22 expense which requires no further accounting.

93 23 b. By charging all collections made by the educational
93 24 institutions and state fair board to the respective advance
93 25 accounts of the institutions and state fair board, and by
93 26 crediting all such repayment collections to the respective
93 27 appropriations and special funds.

93 28 c. By charging all disbursements made to the respective
93 29 allotment accounts of each educational institution or state
93 30 fair board and by crediting all such disbursements to the
93 31 respective advance and inventory accounts.

93 32 d. By requiring a monthly abstract of all receipts and of
93 33 all disbursements, both money and stores, and a complete
93 34 account current each month from each educational institution
93 35 and the state fair board.

94 1 10. ENTITIES REPRESENTING AGRICULTURAL PRODUCERS. To
94 2 control the financial operations of the Iowa dairy industry
94 3 commission as provided in chapter 179, the Iowa beef cattle
94 4 producers association as provided in chapter 181, the Iowa
94 5 pork producers council as provided in chapter 183A, the Iowa
94 6 egg council as provided in chapter 184, the Iowa turkey
94 7 marketing council as provided in chapter 184A, the Iowa
94 8 soybean promotion board as provided in chapter 185, and the
94 9 Iowa corn promotion board as provided in chapter 185C.

94 10 11. CUSTODY OF RECORDS. To have the custody of all books,
94 11 papers, records, documents, vouchers, conveyances, leases,
94 12 mortgages, bonds, and other securities appertaining to the
94 13 fiscal affairs and property of the state, which are not
94 14 required to be kept in some other office.

94 15 12. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer
94 16 the interest of the permanent school fund to the credit of the
94 17 interest for Iowa schools fund.

94 18 13. FORMS. To prescribe all accounting and business forms
94 19 and the system of accounts and reports of financial
94 20 transactions by all departments and agencies of the state
94 21 government other than those of the legislative branch.

94 22 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
94 23 ADMINISTRATOR. To serve as administrator for state actions
94 24 relating to the federal Cash Management and Improvement Act of
94 25 1990, Pub. L. No. 101-453, as codified in 31 U.S.C. } 6503.
94 26 The director shall perform the following duties relating to
94 27 the federal law:

94 28 a. Act as the designated representative of the state in
94 29 the negotiation and administration of contracts between the
94 30 state and federal government relating to the federal law.

94 31 b. Modify the centralized statewide accounting system and
94 32 develop, or require to be developed by the appropriate
94 33 departments of state government, the necessary reports and
94 34 procedures necessary to complete the managerial and financial
94 35 reports required to comply with the federal law.

95 1 There is annually appropriated from the general fund of the
95 2 state to the department an amount sufficient to pay interest
95 3 costs that may be due the federal government as a result of
95 4 implementation of the federal law. This paragraph does not

95 5 authorize the payment of interest from the general fund of the
95 6 state for any departmental revolving, trust, or special fund
95 7 where monthly interest earnings accrue to the credit of the
95 8 departmental revolving, trust, or special fund. For any
95 9 departmental revolving, trust, or special fund where monthly
95 10 interest is accrued to the credit of the fund, the director
95 11 may authorize a supplemental expenditure to pay interest costs
95 12 from the individual fund which are due the federal government
95 13 as a result of implementation of the federal law.

95 14 Sec. 85. NEW SECTION. 8A.503 RULES == DEPOSIT OF
95 15 DEPARTMENTAL MONEYS.

95 16 The director shall prescribe by rule the manner and methods
95 17 by which all departments and agencies of the state who collect
95 18 money for and on behalf of the state shall cause the money to
95 19 be deposited with the treasurer of state or in a depository
95 20 designated by the treasurer of state. All such moneys
95 21 collected shall be deposited at such times and in such
95 22 depositories to permit the state of Iowa to deposit the funds
95 23 in a manner consistent with the state's investment policies.
95 24 All such moneys shall be promptly deposited, as directed, even
95 25 though the individual amount remitted may not be correct. If
95 26 any individual amount remitted is in excess of the amount
95 27 required, the department or agency receiving the same shall
95 28 refund the excess amount. If the individual amount remitted
95 29 is insufficient, the person, firm, or corporation concerned
95 30 shall be immediately billed for the amount of the deficiency.

95 31 Sec. 86. NEW SECTION. 8A.504 SETOFF PROCEDURES.

95 32 1. DEFINITIONS. As used in this section, unless the
95 33 context otherwise requires:

95 34 a. "Collection entity" means the department of
95 35 administrative services and any other state agency that
96 1 maintains a separate accounting system and elects to establish
96 2 a debt collection setoff procedure for collection of debts
96 3 owed to the state or its agencies.

96 4 b. "Person" does not include a state agency.

96 5 c. "Qualifying debt" includes, but is not limited to, the
96 6 following:

96 7 (1) Any debt, which is assigned to the department of human
96 8 services, or which the child support recovery unit is
96 9 otherwise attempting to collect, or which the foster care
96 10 recovery unit of the department of human services is
96 11 attempting to collect on behalf of a child receiving foster
96 12 care provided by the department of human services.

96 13 (2) An amount that is due because of a default on a
96 14 guaranteed student or parental loan under chapter 261.

96 15 (3) Any debt which is in the form of a liquidated sum due,
96 16 owing, and payable to the clerk of the district court.

96 17 d. "State agency" means a board, commission, department,
96 18 including the department of administrative services, or other
96 19 administrative office or unit of the state of Iowa or any
96 20 other state entity reported in the Iowa comprehensive annual
96 21 financial report. "State agency" does include the clerk of
96 22 the district court as it relates to the collection of a
96 23 qualifying debt. "State agency" does not include the general
96 24 assembly, the governor, or any political subdivision of the
96 25 state, or its offices and units.

96 26 2. SETOFF PROCEDURE. The collection entity shall
96 27 establish and maintain a procedure to set off against any
96 28 claim owed to a person by a state agency any liability of that
96 29 person owed to a state agency, a support debt being enforced
96 30 by the child support recovery unit pursuant to chapter 252B,
96 31 or such other qualifying debt. The procedure shall only apply
96 32 when at the discretion of the director it is feasible. The
96 33 procedure shall meet the following conditions:

96 34 a. Before setoff, a person's liability to a state agency
96 35 and the person's claim on a state agency shall be in the form
97 1 of a liquidated sum due, owing, and payable.

97 2 b. Before setoff, the state agency shall obtain and
97 3 forward to the collection entity the full name and social
97 4 security number of the person liable to it or to whom a claim
97 5 is owing who is a natural person. If the person is not a
97 6 natural person, before setoff, the state agency shall forward
97 7 to the collection entity the information concerning the person
97 8 as the collection entity shall, by rule, require. The
97 9 collection entity shall cooperate with other state agencies in
97 10 the exchange of information relevant to the identification of
97 11 persons liable to or claimants of state agencies. However,
97 12 the collection entity shall provide only relevant information
97 13 required by a state agency. The information shall be held in
97 14 confidence and used for the purpose of setoff only. Section
97 15 422.72, subsection 1, does not apply to this paragraph.

97 16 c. Before setoff, a state agency shall, at least annually,
97 17 submit to the collection entity the information required by
97 18 paragraph "b" along with the amount of each person's liability
97 19 to and the amount of each claim on the state agency. The
97 20 collection entity may, by rule, require more frequent
97 21 submissions.

97 22 d. Before setoff, the amount of a person's claim on a
97 23 state agency and the amount of a person's liability to a state
97 24 agency shall constitute a minimum amount set by rule of the
97 25 collection entity.

97 26 e. Upon submission of an allegation of liability by a
97 27 state agency, the collection entity shall notify the state
97 28 agency whether the person allegedly liable is entitled to
97 29 payment from a state agency, and, if so entitled, shall notify
97 30 the state agency of the amount of the person's entitlement and
97 31 of the person's last address known to the collection entity.
97 32 Section 422.72, subsection 1, does not apply to this
97 33 paragraph.

97 34 f. Upon notice of entitlement to a payment, the state
97 35 agency shall send written notification to that person of the
98 1 state agency's assertion of its rights to all or a portion of
98 2 the payment and of the state agency's entitlement to recover
98 3 the liability through the setoff procedure, the basis of the
98 4 assertion, the opportunity to request that a jointly or
98 5 commonly owned right to payment be divided among owners, and
98 6 the person's opportunity to give written notice of intent to
98 7 contest the amount of the allegation. The state agency shall
98 8 send a copy of the notice to the collection entity. A state
98 9 agency subject to chapter 17A shall give notice, conduct
98 10 hearings, and allow appeals in conformity with chapter 17A.

98 11 However, upon submission of an allegation of the liability
98 12 of a person which is owing and payable to the clerk of the
98 13 district court and upon the determination by the collection
98 14 entity that the person allegedly liable is entitled to payment
98 15 from a state agency, the collection entity shall send written
98 16 notification to the person which states the assertion by the
98 17 clerk of the district court of rights to all or a portion of
98 18 the payment, the clerk's entitlement to recover the liability
98 19 through the setoff procedure, the basis of the assertions, the
98 20 person's opportunity to request within fifteen days of the
98 21 mailing of the notice that the collection entity divide a
98 22 jointly or commonly owned right to payment between owners, the
98 23 opportunity to contest the liability to the clerk by written
98 24 application to the clerk within fifteen days of the mailing of
98 25 the notice, and the person's opportunity to contest the
98 26 collection entity's setoff procedure.

98 27 g. Upon the timely request of a person liable to a state
98 28 agency or of the spouse of that person and upon receipt of the
98 29 full name and social security number of the person's spouse, a
98 30 state agency shall notify the collection entity of the request
98 31 to divide a jointly or commonly owned right to payment. Any
98 32 jointly or commonly owned right to payment is rebuttably
98 33 presumed to be owned in equal portions by its joint or common
98 34 owners.

98 35 h. The collection entity shall, after the state agency has
99 1 sent notice to the person liable or, if the liability is owing
99 2 and payable to the clerk of the district court, the collection
99 3 entity has sent notice to the person liable, set off the
99 4 amount owed to the agency against any amount which a state
99 5 agency owes that person. The collection entity shall refund
99 6 any balance of the amount to the person. The collection
99 7 entity shall periodically transfer amounts set off to the
99 8 state agencies entitled to them. If a person liable to a
99 9 state agency gives written notice of intent to contest an
99 10 allegation, a state agency shall hold a refund or rebate until
99 11 final disposition of the allegation. Upon completion of the
99 12 setoff, a state agency shall notify in writing the person who
99 13 was liable or, if the liability is owing and payable to the
99 14 clerk of the district court, shall comply with the procedures
99 15 as provided in paragraph "j".

99 16 i. The department of revenue and finance's existing right
99 17 to credit against tax due or to become due under section
99 18 422.73 is not to be impaired by a right granted to or a duty
99 19 imposed upon the collection entity or other state agency by
99 20 this section. This section is not intended to impose upon the
99 21 collection entity or the department of revenue and finance any
99 22 additional requirement of notice, hearing, or appeal
99 23 concerning the right to credit against tax due under section
99 24 422.73.

99 25 j. If the alleged liability is owing and payable to the
99 26 clerk of the district court and setoff as provided in this

99 27 section is sought, all of the following shall apply:
99 28 (1) The judicial branch shall prescribe procedures to
99 29 permit a person to contest the amount of the person's
99 30 liability to the clerk of the district court.
99 31 (2) The collection entity shall, except for the procedures
99 32 described in subparagraph (1), prescribe any other applicable
99 33 procedures concerning setoff as provided in this subsection.
99 34 (3) Upon completion of the setoff, the collection entity
99 35 shall file, at least monthly, with the clerk of the district
100 1 court a notice of satisfaction of each obligation to the full
100 2 extent of all moneys collected in satisfaction of the
100 3 obligation. The clerk shall record the notice and enter a
100 4 satisfaction for the amounts collected and a separate written
100 5 notice is not required.
100 6 3. In the case of multiple claims to payments filed under
100 7 this section, priority shall be given to claims filed by the
100 8 child support recovery unit or the foster care recovery unit,
100 9 next priority shall be given to claims filed by the college
100 10 student aid commission, next priority shall be given to claims
100 11 filed by the investigations division of the department of
100 12 inspections and appeals, next priority shall be given to
100 13 claims filed by a clerk of the district court, and last
100 14 priority shall be given to claims filed by other state
100 15 agencies. In the case of multiple claims in which the
100 16 priority is not otherwise provided by this subsection,
100 17 priority shall be determined in accordance with rules to be
100 18 established by the director.
100 19 4. The director shall have the authority to enter into
100 20 reciprocal agreements with the departments of revenue of other
100 21 states that have enacted legislation that is substantially
100 22 equivalent to the setoff procedure provided in this section
100 23 for the recovery of an amount due because of a default on a
100 24 guaranteed student or parental loan under chapter 261. A
100 25 reciprocal agreement shall also be approved by the college
100 26 student aid commission. The agreement shall authorize the
100 27 department to provide by rule for the setoff of state income
100 28 tax refunds or rebates of defaulters from states with which
100 29 Iowa has a reciprocal agreement and to provide for sending
100 30 lists of names of Iowa defaulters to the states with which
100 31 Iowa has a reciprocal agreement for setoff of that state's
100 32 income tax refunds.
100 33 5. Under substantive rules established by the director,
100 34 the department shall seek reimbursement from other state
100 35 agencies to recover its costs for setting off liabilities.
101 1 Sec. 87. NEW SECTION. 8A.505 COST ALLOCATION SYSTEM.
101 2 The department shall develop and administer an indirect
101 3 cost allocation system for state agencies. The system shall
101 4 be based upon standard cost accounting methodologies and shall
101 5 be used to allocate both direct and indirect costs of state
101 6 agencies or state agency functions in providing centralized
101 7 services to other state agencies. A cost that is allocated to
101 8 a state agency pursuant to this system shall be billed to the
101 9 state agency and the cost is payable to the general fund of
101 10 the state. The source of payment for the billed cost shall be
101 11 any revenue source except for the general fund of the state.
101 12 If a state agency is authorized by law to bill and recover
101 13 direct expenses, the state agency shall recover indirect costs
101 14 in the same manner.
101 15 Sec. 88. NEW SECTION. 8A.506 ACCOUNTING.
101 16 The director may at any time require any person receiving
101 17 money, securities, or property belonging to the state, or
101 18 having the management, disbursement, or other disposition of
101 19 them, an account of which is kept in the department, to render
101 20 statements of them and information in reference to them.
101 21 Sec. 89. NEW SECTION. 8A.507 STATING ACCOUNT.
101 22 If an officer who is accountable to the state treasury for
101 23 any money or property neglects to render an account to the
101 24 director within the time prescribed by law, or, if no time is
101 25 so prescribed, within twenty days after being required to do
101 26 so by the director, the director shall state an account
101 27 against the officer from the books of the officer's office,
101 28 charging ten percent damages on the whole sum appearing due,
101 29 and interest at the rate of six percent per annum on the
101 30 aggregate from the time when the account should have been
101 31 rendered; all of which may be recovered by action brought on
101 32 the account, or on the official bond of the officer.
101 33 Sec. 90. NEW SECTION. 8A.508 COMPELLING PAYMENT.
101 34 If an officer fails to pay into the state treasury the
101 35 amount received by the officer within the time prescribed by
102 1 law, or, having settled with the director, fails to pay the
102 2 amount found due, the director shall charge the officer with

102 3 twenty percent damages on the amount due, with interest on the
102 4 aggregate from the time the amount became due at the rate of
102 5 six percent per annum, and the whole may be recovered by an
102 6 action brought on the account, or on the official bond of the
102 7 officer, and the officer shall forfeit the officer's
102 8 commission.

102 9 Sec. 91. NEW SECTION. 8A.509 DEFENSE TO CLAIM.
102 10 The penal provisions in sections 8A.507 and 8A.508 are
102 11 subject to any legal defense which the officer may have
102 12 against the account as stated by the director, but judgment
102 13 for costs shall be rendered against the officer in the action,
102 14 whatever its result, unless the officer rendered an account
102 15 within the time named in those sections.

102 16 Sec. 92. NEW SECTION. 8A.510 REQUESTED CREDITS == OATH
102 17 REQUIRED.

102 18 When a county treasurer or other receiver of public money
102 19 seeks to obtain credit on the books of the department for
102 20 payment made to the county treasurer, before giving such
102 21 credit the director shall require that person to take and
102 22 subscribe an oath that the person has not used, loaned, or
102 23 appropriated any of the public money for the person's private
102 24 benefit, nor for the benefit of any other person.

102 25 Sec. 93. NEW SECTION. 8A.511 REQUISITION FOR
102 26 INFORMATION.

102 27 In those cases where the director is authorized to call
102 28 upon persons or officers for information, or statements, or
102 29 accounts, the director may issue a requisition therefor in
102 30 writing to the person or officer called upon, allowing
102 31 reasonable time, which, having been served and return made to
102 32 the director, as a notice in a civil action, is evidence of
102 33 the making of the requisition.

102 34 Sec. 94. NEW SECTION. 8A.512 LIMITS ON CLAIMS.

102 35 The director is limited in authorizing the payment of
103 1 claims, as follows:

103 2 1. FUNDING LIMIT.

103 3 a. A claim shall not be allowed by the department if the
103 4 appropriation or fund of certification available for paying
103 5 the claim has been exhausted or proves insufficient.

103 6 b. The authority of the director is subject to the
103 7 following exceptions:

103 8 (1) Claims by state employees for benefits pursuant to
103 9 chapters 85, 85A, 85B, and 86 are subject to limitations
103 10 provided in those chapters.

103 11 (2) Claims for medical assistance payments authorized
103 12 under chapter 249A are subject to the time limits imposed by
103 13 rule adopted by the department of human services.

103 14 (3) Claims approved by an agency according to the
103 15 provisions of sections 25.1 and 25.2.

103 16 2. CONVENTION EXPENSES. Claims for expenses in attending
103 17 conventions, meetings, conferences, or gatherings of members
103 18 of an association or society organized and existing as a
103 19 quasi-public association or society outside the state of Iowa
103 20 shall not be allowed at public expense, unless authorized by
103 21 the executive council; and claims for these expenses outside
103 22 of the state shall not be allowed unless the voucher is
103 23 accompanied by the portion of the minutes of the executive
103 24 council, certified to by its secretary, showing that the
103 25 expense was authorized by the council. This section does not
103 26 apply to claims in favor of the governor, attorney general,
103 27 utilities board members, or to trips referred to in sections
103 28 97B.7A and 217.20.

103 29 3. PAYMENT FROM FEES. Claims for per diem and expenses
103 30 payable from fees shall not be approved for payment in excess
103 31 of those fees if the law provides that such expenditures are
103 32 limited to the special funds collected and deposited in the
103 33 state treasury.

103 34 Sec. 95. NEW SECTION. 8A.513 CLAIMS == APPROVAL.

103 35 The director before approving a claim on behalf of the
104 1 department shall determine:

104 2 1. That the creation of the claim is clearly authorized by
104 3 law. Statutes authorizing the expenditure may be referenced
104 4 through account coding authorized by the director.

104 5 2. That the claim has been authorized by an officer or
104 6 official body having legal authority to so authorize and that
104 7 the fact of authorization has been certified to the director
104 8 by such officer or official body.

104 9 3. That all legal requirements have been observed,
104 10 including notice and opportunity for competition, if required
104 11 by law.

104 12 4. That the claim is in proper form as the director may
104 13 provide.

104 14 5. That the charges are reasonable, proper, and correct
104 15 and no part of the claim has been paid.

104 16 Sec. 96. NEW SECTION. 8A.514 VOUCHERS == INTEREST ==
104 17 PAYMENT OF CLAIMS.

104 18 1. Before a warrant or its equivalent is issued for a
104 19 claim payable from the state treasury, the department shall
104 20 file an itemized voucher showing in detail the items of
104 21 service, expense, item furnished, or contract for which
104 22 payment is sought. However, the director may authorize the
104 23 prepayment of claims when the best interests of the state are
104 24 served under rules adopted by the director. The claimant's
104 25 original invoice shall be attached to a department's approved
104 26 voucher. The director shall adopt rules specifying the form
104 27 and contents for invoices submitted by a vendor to a
104 28 department. The requirements apply to acceptance of an
104 29 invoice by a department. A department shall not impose
104 30 additional or different requirements on submission of invoices
104 31 than those contained in rules of the director unless the
104 32 director exempts the department from the invoice requirements
104 33 or a part of the requirements upon a finding that compliance
104 34 would result in poor accounting or management practices.

104 35 2. Vouchers for postage, stamped envelopes, and postal
105 1 cards may be audited as soon as an order for them is entered.

105 2 3. The departments, the general assembly, and the courts
105 3 shall pay their claims in a timely manner. If a claim for
105 4 services, supplies, materials, or a contract which is payable
105 5 from the state treasury remains unpaid after sixty days
105 6 following the receipt of the claim or the satisfactory
105 7 delivery, furnishing, or performance of the services,
105 8 supplies, materials, or contract, whichever date is later, the
105 9 state shall pay interest at the rate of one percent per month
105 10 on the unpaid amount of the claim. This subsection does not
105 11 apply to claims against the state under chapters 25 and 669 or
105 12 to claims paid by federal funds. The interest shall be
105 13 charged to the appropriation or fund to which the claim is
105 14 certified. Departments may enter into contracts for goods or
105 15 services on payment terms of less than sixty days if the state
105 16 may obtain a financial benefit or incentive which would not
105 17 otherwise be available from the vendor. The department, in
105 18 consultation with other affected departments, shall develop
105 19 policies to promote consistency and fiscal responsibility
105 20 relating to payment terms authorized under this subsection.
105 21 The director shall adopt rules under chapter 17A relating to
105 22 the administration of this subsection.

105 23 Sec. 97. NEW SECTION. 8A.515 WARRANTS == FORM.

105 24 A warrant shall bear on its face the signature of the
105 25 director or its facsimile, or the signature of an assistant or
105 26 its facsimile in case of a vacancy in the office of the
105 27 director; a proper number, date, amount, and name of payee; a
105 28 reference to the law under which it is drawn; whether for
105 29 salaries or wages, services, or supplies, and what kind of
105 30 supplies; and from what office or department, or for what
105 31 other general or special purposes; or in lieu thereof, a
105 32 coding system may be used, which particulars shall be entered
105 33 in a warrant register kept for that purpose in the order of
105 34 issuance; and as soon as practicable after issuing a warrant
105 35 register, the director shall certify a duplicate of it to the
106 1 treasurer of state.

106 2 Sec. 98. NEW SECTION. 8A.516 REQUIRED PAYEE.

106 3 All warrants shall be drawn to the order of the person
106 4 entitled to payment or compensation, except that when goods or
106 5 materials are purchased in foreign countries, warrants may be
106 6 drawn upon the treasurer of state, payable to the bearer for
106 7 the net amount of invoice and current exchange, and the
106 8 treasurer of state shall furnish a foreign draft payable to
106 9 the order of the person from whom purchase is made.

106 10 Sec. 99. NEW SECTION. 8A.517 PROHIBITED PAYEE.

106 11 In no case shall warrants be drawn in the name of the
106 12 certifying office, department, board, or institution, or in
106 13 the name of an employee, except for personal service rendered
106 14 or expense incurred by the employee, unless express statutory
106 15 authority exists therefor.

106 16 Sec. 100. NEW SECTION. 8A.518 CLAIMS EXCEEDING
106 17 APPROPRIATIONS.

106 18 A claim shall not be allowed when the claim will exceed the
106 19 amount specifically appropriated for the claim.

106 20 Sec. 101. NEW SECTION. 8A.519 CANCELLATION OF STATE
106 21 WARRANTS.

106 22 On the last business day of each month, the director shall
106 23 cancel and request the treasurer of state to stop payment on
106 24 all state warrants which have been outstanding and unredeemed

106 25 by the treasurer of state for six months or longer.

106 26 DIVISION II

106 27 CONFORMING AND MISCELLANEOUS CHANGES

106 28 Sec. 102. Section 2.9, Code 2003, is amended to read as
106 29 follows:

106 30 2.9 JOURNALS == BILLS AND AMENDMENTS.

106 31 1. a. The senate and house of representatives shall each
106 32 publish a daily journal of the transactions of their
106 33 respective bodies. The secretary of the senate and the chief
106 34 clerk of the house shall each determine the format and manner
106 35 of the journal's publication, the procurement procedures for
107 1 the journal's publication, and the journal's distribution for
107 2 their respective bodies.

107 3 b. The secretary of the senate and the clerk of the house
107 4 of representatives shall each preserve copies of the printed
107 5 daily journals of their respective bodies, as corrected,
107 6 certify to their correctness, and file them with the secretary
107 7 of state at the adjournment of each session of the general
107 8 assembly. The secretary of state shall ~~cause the journals to~~
107 9 ~~be bound and preserved as~~ preserve the original journals of
107 10 the senate and the house in the manner specified by the
107 11 majority leader of the senate and speaker of the house.

107 12 2. a. The senate and house of representatives shall each
107 13 publish bills and amendments of their respective bodies. The
107 14 secretary of the senate and the chief clerk of the house shall
107 15 each determine the procurement procedures for the publication
107 16 of the bills and amendments and the distribution of the bills
107 17 and amendments for their respective bodies.

107 18 b. A bill that seeks to legalize the acts of any official
107 19 or board or other official body, in regard to any matter of
107 20 public nature or for any person or persons, company, or
107 21 corporation, shall not be considered by the senate or house of
107 22 representatives until the bill is published and distributed to
107 23 members of the general assembly, and the publication shall be
107 24 without expense to the state. The senate and house shall not
107 25 order any such bill published until the secretary of the
107 26 senate or chief clerk of the house has received a deposit to
107 27 cover the cost of the publication. The newspaper publication
107 28 of such bill shall be without expense to the state, and the
107 29 bill shall not be published in a newspaper until the costs of
107 30 the newspaper publication has been paid to the secretary of
107 31 state.

107 32 Sec. 103. Section 2.10, subsection 1, Code 2003, is
107 33 amended to read as follows:

107 34 1. Every member of the general assembly except the
107 35 presiding officer of the senate, the speaker of the house, the
108 1 majority and minority floor leader of each house, and the
108 2 president pro tempore of the senate and speaker pro tempore of
108 3 the house, shall receive an annual salary of twenty thousand
108 4 one hundred twenty dollars for the year 1997 and subsequent
108 5 years while serving as a member of the general assembly. In
108 6 addition, each such member shall receive the sum of eighty=six
108 7 dollars per day for expenses of office, except travel, for
108 8 each day the general assembly is in session commencing with
108 9 the first day of a legislative session and ending with the day
108 10 of final adjournment of each legislative session as indicated
108 11 by the journals of the house and senate, except that if the
108 12 length of the first regular session of the general assembly
108 13 exceeds one hundred ten calendar days and the second regular
108 14 session exceeds one hundred calendar days, the payments shall
108 15 be made only for one hundred ten calendar days for the first
108 16 session and one hundred calendar days for the second session.
108 17 Members from Polk county shall receive sixty=five dollars per
108 18 day. Each member shall receive a two hundred dollar per month
108 19 allowance for legislative district constituency postage,
108 20 travel, telephone costs, and other expenses. Travel expenses
108 21 shall be paid at the rate established by section ~~18.117~~ 8A.363
108 22 for actual travel in going to and returning from the seat of
108 23 government by the nearest traveled route for not more than one
108 24 time per week during a legislative session unless the general
108 25 assembly otherwise provides.

108 26 Sec. 104. Section 2.43, unnumbered paragraph 1, Code 2003,
108 27 is amended to read as follows:

108 28 The legislative council in cooperation with the officers of
108 29 the senate and house shall have the duty and responsibility
108 30 for preparing for each session of the general assembly.
108 31 Pursuant to such duty and responsibility, the legislative
108 32 council shall assign the use of areas in the state capitol
108 33 except for the areas used by the governor as of January 1,
108 34 1986, and by the courts as of ~~November 1, 2002~~ July 1, 2003,
108 35 and, in consultation with the director of the department of

109 1 general services and the capitol planning commission, may
109 2 assign areas in other state office buildings for use of the
109 3 general assembly or legislative agencies. The legislative
109 4 council may authorize the renovation, remodeling and
109 5 preparation of the physical facilities used or to be used by
109 6 the general assembly or legislative agencies subject to the
109 7 jurisdiction of the legislative council and award contracts
109 8 pursuant to such authority to carry out such preparation. The
109 9 legislative council may purchase supplies and equipment deemed
109 10 necessary for the proper functioning of the legislative branch
109 11 of government.

109 12 Sec. 105. Section 2.47A, subsection 1, paragraph c, Code
109 13 2003, is amended to read as follows:

109 14 c. Receive annual status reports for all ongoing capital
109 15 projects of state agencies, pursuant to section ~~18.12~~ 8A.321,
109 16 subsection ~~14~~ 10.

109 17 Sec. 106. Section 7A.1, unnumbered paragraph 4, Code 2003,
109 18 is amended to read as follows:

109 19 This section shall not be construed as depriving the ~~state~~
~~109 20 printing administrator director of the department of~~
109 21 administrative services of the right to edit and revise said
109 22 report.

109 23 Sec. 107. Section 7A.2, unnumbered paragraph 2, Code 2003,
109 24 is amended to read as follows:

109 25 Reports after being filed with the governor and considered
109 26 by the governor shall be delivered to the ~~state printing~~
~~109 27 administrator director of the department of administrative~~
109 28 services.

109 29 Sec. 108. Section 7A.3, subsection 1, Code 2003, is
109 30 amended to read as follows:

109 31 1. Director of ~~revenue and finance~~ the department of
109 32 administrative services on the fiscal condition of the state.

109 33 Sec. 109. Section 7A.3, subsection 6, Code 2003, is
109 34 amended by striking the subsection.

109 35 Sec. 110. Section 7A.3, subsection 10, Code 2003, is
110 1 amended to read as follows:

110 2 10. Department of ~~general~~ administrative services.

110 3 Sec. 111. Section 7A.14, unnumbered paragraph 1, Code
110 4 2003, is amended to read as follows:

110 5 The annual and biennial reports shall be published,
110 6 printed, and bound in such number as the ~~state printing~~
~~110 7 administrator director of the department of administrative~~
110 8 services may order. The officials and heads of departments
110 9 shall furnish the ~~administrator director~~ with information
110 10 necessary to determine the number of copies to be printed.

110 11 Sec. 112. Section 7A.23, Code 2003, is amended to read as
110 12 follows:

110 13 7A.23 PRICE OF DEPARTMENTAL REPORTS.

110 14 The ~~state printing administrator director of the department~~
110 15 of administrative services shall establish and fix a selling
110 16 price for all state departmental reports and any other state
110 17 publications the ~~administrator director~~ may designate, which
110 18 price per volume shall be the amount charged any person, other
110 19 than public officials, who purchases the publication. The
110 20 price shall cover the cost of printing and distribution. The
110 21 ~~administrator director~~ may distribute gratis to state or local
110 22 public officials or offices, as the ~~administrator director~~
110 23 deems necessary, copies of departmental annual reports.

110 24 Sec. 113. Section 7A.27, Code 2003, is amended to read as
110 25 follows:

110 26 7A.27 OTHER NECESSARY PUBLICATIONS == WHEN NECESSARY TO
110 27 SELL.

110 28 ~~There may be published other~~ Other miscellaneous documents,
110 29 reports, bulletins, books, and booklets may be published that
110 30 are needed for the use of the various officials and
110 31 departments of state, or are of value for the information of
110 32 the general assembly or the public, in form and number most
110 33 useful and convenient, to be determined by the ~~state printing~~
~~110 34 administrator director of the department of administrative~~
110 35 services.

111 1 When such publications, except supplements to the Iowa
111 2 administrative code, paid for by public funds furnished by the
111 3 state, contain reprints of statutes or rules, or both, they
111 4 shall be sold and distributed at cost by the department
111 5 ordering ~~same~~ the publication if the cost per publication is
111 6 one dollar or more, unless a central library or depository is
111 7 established. Such publications shall be obtained from the
111 8 ~~state printing administrator director of the department of~~
111 9 administrative services on requisition by the department
111 10 ordering the publication and the selling price, if any, shall
111 11 be determined by the ~~administrator director of the department~~

111 12 of administrative services by dividing the total cost of
111 13 printing, paper, distribution, and binding by the number
111 14 printed. ~~Said~~ The price shall be set at the nearest multiple
111 15 of ten to the quotient thus obtained. Distribution of such
111 16 publications shall be made by the ~~administrator~~ director
111 17 gratis to public officers, purchasers of licenses from state
111 18 departments required by statute and departments. Funds from
111 19 the sale of such publications shall be deposited monthly in
111 20 the general fund of the state except the cost of distribution
111 21 shall be deposited in the ~~permanent printing~~ revolving fund
111 22 established in section ~~18.57~~ 8A.345.

111 23 Sec. 114. Section 7A.28, Code 2003, is amended to read as
111 24 follows:

111 25 7A.28 GOVERNOR MAY FIX FILING DATE.

111 26 The governor shall have the right to fix a date for the
111 27 completion of or filing of any copy or manuscript for any
111 28 miscellaneous document or other publication, or for any
111 29 portion of the manuscript, and to compel compliance with such
111 30 orders the same as in the case of the official reports. The
111 31 ~~state printing administrator~~ director of the department of
111 32 administrative services shall report to the governor any
111 33 failure to furnish manuscript or other delay affecting any
111 34 publication.

111 35 Sec. 115. Section 7A.29, Code 2003, is amended to read as
112 1 follows:

112 2 7A.29 TITLE PAGES == COMPLIMENTARY INSERTIONS.

112 3 The ~~state printing administrator~~ director of the department
112 4 of administrative services shall provide the necessary
112 5 printer's copy for a suitable title page for each publication
112 6 requiring such title which shall contain the name of the
112 7 author, but ~~no~~ such title shall not have written or printed
112 8 thereon or attached thereto the words "Compliments of"
112 9 followed by the name of the author, nor any other words of
112 10 similar import.

112 11 Sec. 116. Section 7E.5, subsection 1, paragraph b, Code
112 12 2003, is amended to read as follows:

112 13 b. The department of ~~personnel~~ administrative services,
112 14 created in section ~~19A.1~~ 8A.102, which has primary
112 15 responsibility for ~~personnel~~ the management and coordination
112 16 of the major resources of state government.

112 17 Sec. 117. Section 7E.5, subsection 1, paragraph c, Code
112 18 2003, is amended by striking the paragraph.

112 19 Sec. 118. Section 7E.5, subsection 1, paragraph d, Code
112 20 2003, is amended to read as follows:

112 21 d. The department of revenue ~~and finance~~, created in
112 22 section 421.2, which has primary responsibility for revenue
112 23 collection and revenue law compliance, ~~financial management~~
112 24 ~~and assistance~~, and the Iowa lottery.

112 25 Sec. 119. Section 7E.5, subsection 1, paragraph x, Code
112 26 2003, is amended by striking the paragraph.

112 27 Sec. 120. Section 7F.1, subsection 3, Code 2003, is
112 28 amended to read as follows:

112 29 3. OFFICE ESTABLISHED. A state=federal relations office
112 30 is established as an independent agency. The office shall be
112 31 located in Washington D.C. and shall be administered by the
112 32 director of the office who is appointed by the governor,
112 33 subject to confirmation by the senate, and who serves at the
112 34 pleasure of the governor. The office and its personnel are
112 35 exempt from the merit system provisions of chapter ~~19A~~ 8A,
113 1 article 4.

113 2 Sec. 121. Section 8.31, unnumbered paragraph 6, Code 2003,
113 3 is amended to read as follows:

113 4 The procedure to be employed in controlling the
113 5 expenditures and receipts of the state fair board and the
113 6 institutions under the state board of regents, whose
113 7 collections are not deposited in the state treasury, is that
113 8 outlined in section ~~421.31~~ 8A.502, subsection 6 9.

113 9 Sec. 122. Section 8.36A, Code 2003, is amended to read as
113 10 follows:

113 11 8.36A FULL=TIME EQUIVALENT ~~POSITION~~ POSITIONS.

113 12 1. For purposes of making appropriations and financial
113 13 reports and as used in appropriations statutes, "full=time
113 14 equivalent position" means a budgeting and monitoring unit
113 15 that equates the aggregate of full=time positions, part=time
113 16 positions, a vacancy and turnover factor, and other
113 17 adjustments. One full=time equivalent position represents two
113 18 thousand eighty working hours, which is the regular number of
113 19 hours one full=time person works in one fiscal year. The
113 20 number of full=time equivalent positions shall be calculated
113 21 by totaling the regular number of hours that could be annually
113 22 worked by persons in all authorized positions, reducing those

113 23 hours by a vacancy and turnover factor and dividing that
113 24 amount by two thousand eighty hours. In order to achieve the
113 25 full-time equivalent position level, the number of filled
113 26 positions may exceed the number of full-time equivalent
113 27 positions during parts of the fiscal year to compensate for
113 28 time periods when the number of filled positions is below the
113 29 authorized number of full-time equivalent positions.

113 30 2. If a department or establishment has reached or
113 31 anticipates reaching the full-time equivalent position level
113 32 authorized for the department but determines that conversion
113 33 of a contract position to a full-time equivalent position
113 34 would result in cost savings while providing comparable or
113 35 better services, the department or establishment may request
114 1 the director of the department of management to approve the
114 2 conversion and addition of the full-time equivalent position.
114 3 The request shall be accompanied by evidence demonstrating how
114 4 the cost savings and service quality will be achieved through
114 5 the conversion. If approved by the director of the department
114 6 of management, the department's or establishment's authorized
114 7 full-time equivalent position level shall be increased
114 8 accordingly and the revised level shall be reported to the
114 9 fiscal committee of the legislative council and the
114 10 legislative fiscal bureau.

114 11 Sec. 123. Section 8.47, subsection 1, unnumbered paragraph
114 12 1, Code 2003, is amended to read as follows:

114 13 The department of ~~general administrative services~~, in
114 14 cooperation with the office of attorney general, ~~and the~~
114 15 ~~department of management, the department of personnel, and the~~
114 16 ~~department of revenue and finance~~, shall adopt uniform terms
114 17 and conditions for service contracts executed by a department
114 18 or establishment benefiting from service contracts. The terms
114 19 and conditions shall include but are not limited to all of the
114 20 following:

114 21 Sec. 124. Section 8.47, subsection 2, Code 2003, is
114 22 amended to read as follows:

114 23 2. Departments or establishments, with the approval of the
114 24 department of management acting in cooperation with the office
114 25 of attorney general, ~~the department of general services, the~~
114 26 ~~department of personnel~~, and the department of ~~revenue and~~
114 27 ~~finance~~ administrative services, may adopt special terms and
114 28 conditions for use by the departments or establishments in
114 29 their service contracts.

114 30 Sec. 125. Section 8.63, Code 2003, is amended to read as
114 31 follows:

114 32 8.63 INNOVATIONS FUND.

114 33 1. An innovations fund is created in the state treasury
114 34 under the control of the department of management for the
114 35 purpose of stimulating and encouraging innovation and
115 1 entrepreneurship in state government by the awarding of
115 2 repayable loans to state agencies.

115 3 2. The director of the department of management shall
115 4 establish an eight-member committee to be called the state
115 5 innovations fund committee. The committee shall review all
115 6 requests for funds and approve loans of funds if the committee
115 7 determines that the loan meets the requirements for a project
115 8 loan or an enterprise loan as provided in this section.

115 9 3. A project loan can be funded if the committee
115 10 determines that an agency request would result in cost savings
115 11 or added revenue to the general fund of the state. Eligible
115 12 projects are projects which cannot be funded from an agency's
115 13 operating budget without adversely affecting the agency's
115 14 normal service levels. Projects may include, but are not
115 15 limited to, purchase of advanced technology, contracting for
115 16 expert services, and acquisition of equipment or supplies.
115 17 4. An enterprise loan can be funded if the committee
115 18 determines that the agency or business unit has a viable
115 19 business plan and the capability to use the loan to provide
115 20 internal services to government. The enterprise is expected
115 21 to receive payment for services from its customers and use
115 22 those payments to cover its expenses, including repayment of
115 23 the loan.

115 24 ~~3- 5.~~ 5. A state agency seeking a loan from the innovations
115 25 fund shall complete an application form designed by the state
115 26 innovations fund committee which employs, for projects, a
115 27 return on investment concept and demonstrates how state
115 28 general fund expenditures will be reduced or how state general
115 29 fund revenues will increase, or, for enterprises, a business
115 30 plan that shows how the enterprise will meet customer needs,
115 31 provide value to customers, and demonstrate financial
115 32 viability. Minimum loan requirements for state agency
115 33 requests shall be determined by the committee. As an

115 34 incentive to increase state general fund revenues, an agency
115 35 may retain up to fifty percent of savings realized in
116 1 connection with a project loan from the innovations fund. The
116 2 amount retained shall be determined by the innovations fund
116 3 committee.

116 4 ~~4- 6.~~ a. In order for the innovations fund to be self=
116 5 supporting, the innovations fund committee shall establish
116 6 repayment schedules for each ~~innovation~~ innovations fund loan
116 7 awarded. Agencies shall repay the funds over a period not to
116 8 exceed five years with interest, at a rate to be determined by
116 9 the innovations fund committee.

116 10 b. If the department of management and the department of
116 11 revenue ~~and finance~~ certify that the savings from a proposed
116 12 innovations fund project will result in a net increase in the
116 13 balance of the general fund of the state without a
116 14 corresponding cost savings to the requesting agency, and if
116 15 the requesting agency meets all other eligibility
116 16 requirements, the innovations fund committee may approve the
116 17 loan for the project and not require repayment by the
116 18 requesting agency. There is appropriated from the general
116 19 fund of the state to the department of ~~revenue and finance~~
116 20 management for deposit in the innovations fund an amount
116 21 sufficient to repay the loan amount.

116 22 ~~5- 7.~~ Notwithstanding section 12C.7, subsection 2,
116 23 interest or earnings on moneys deposited in the innovations
116 24 fund shall be credited to the innovations fund.
116 25 Notwithstanding section 8.33, moneys remaining in the
116 26 innovations fund at the end of a fiscal year shall not revert
116 27 to the general fund of the state.

116 28 Sec. 126. Section 8D.4, Code 2003, is amended to read as
116 29 follows:

116 30 8D.4 EXECUTIVE DIRECTOR APPOINTED.
116 31 The commission, in consultation with the director of the
116 32 department of administrative services shall appoint an
116 33 executive director of the commission, subject to confirmation
116 34 by the senate. Such individual shall not serve as a member of
116 35 the commission. The executive director shall serve at the
117 1 pleasure of the commission. The executive director shall be
117 2 selected primarily for administrative ability and knowledge in
117 3 the field, without regard to political affiliation. The
117 4 governor shall establish the salary of the executive director
117 5 within range nine as established by the general assembly. The
117 6 salary and support of the executive director shall be paid
117 7 from funds deposited in the Iowa communications network fund.

117 8 Sec. 127. Section 9.3, Code 2003, is amended to read as
117 9 follows:

117 10 9.3 COMMISSIONS.
117 11 All commissions issued by the governor shall be
117 12 countersigned by the secretary, who shall register each
117 13 commission in a book to be kept for that purpose, specifying
117 14 the office, name of officer, date of commission, and tenure of
117 15 office, and forthwith forward to the directors of the
117 16 departments of management and of ~~revenue and finance~~
117 17 administrative services copies of the registration.

117 18 Sec. 128. Section 10A.104, subsection 2, Code 2003, is
117 19 amended to read as follows:

117 20 2. Appoint the administrators of the divisions within the
117 21 department and all other personnel deemed necessary for the
117 22 administration of this chapter, except the state public
117 23 defender, assistant state public defenders, administrator of
117 24 the racing and gaming commission, members of the employment
117 25 appeal board, and administrator of the child advocacy board
117 26 created in section 237.16. All persons appointed and employed
117 27 in the department are covered by the provisions of chapter ~~19A~~
117 28 8A, article 4, but persons not appointed by the director are
117 29 exempt from the merit system provisions of chapter ~~19A~~ 8A,
117 30 article 4.

117 31 Sec. 129. Section 10A.601, subsections 1 and 7, Code 2003,
117 32 are amended to read as follows:

117 33 1. A full-time employment appeal board is created within
117 34 the department of inspections and appeals to hear and decide
117 35 contested cases under chapter 8A, article 4, and chapters ~~19A,~~
118 1 80, 88, 89A, 91C, 96, and 97B.

118 2 7. An application for rehearing before the appeal board
118 3 shall be filed pursuant to section 17A.16, unless otherwise
118 4 provided in chapter ~~19A,~~ 8A, article 4, or chapter 80, 88,
118 5 89A, 91C, 96, or 97B. A petition for judicial review of a
118 6 decision of the appeal board shall be filed pursuant to
118 7 section 17A.19. The appeal board may be represented in any
118 8 such judicial review by an attorney who is a regular salaried
118 9 employee of the appeal board or who has been designated by the

118 10 appeal board for that purpose, or at the appeal board's
118 11 request, by the attorney general. Notwithstanding the
118 12 petitioner's residency requirement in section 17A.19,
118 13 subsection 2, a petition for judicial review may be filed in
118 14 the district court of the county in which the petitioner was
118 15 last employed or resides, provided that if the petitioner does
118 16 not reside in this state, the action shall be brought in the
118 17 district court of Polk county, Iowa, and any other party to
118 18 the proceeding before the appeal board shall be named in the
118 19 petition. Notwithstanding the thirty-day requirement in
118 20 section 17A.19, subsection 6, the appeal board shall, within
118 21 sixty days after filing of the petition for judicial review or
118 22 within a longer period of time allowed by the court, transmit
118 23 to the reviewing court the original or a certified copy of the
118 24 entire records of a contested case. The appeal board may also
118 25 certify to the court, questions of law involved in any
118 26 decision by the appeal board. Petitions for judicial review
118 27 and the questions so certified shall be given precedence over
118 28 all other civil cases except cases arising under the workers'
118 29 compensation law of this state. No bond shall be required for
118 30 entering an appeal from any final order, judgment, or decree
118 31 of the district court to the supreme court.

118 32 Sec. 130. Section 10A.801, subsection 3, paragraph a, Code
118 33 2003, is amended to read as follows:

118 34 a. The department shall employ a sufficient number of
118 35 administrative law judges to conduct proceedings for which
119 1 agencies are required, by section 17A.11 or any other
119 2 provision of law, to use an administrative law judge employed
119 3 by the division. An administrative law judge employed by the
119 4 division shall not perform duties inconsistent with the
119 5 judge's duties and responsibilities as an administrative law
119 6 judge and shall be located in an office that is separated from
119 7 the offices of the agencies for which that person acts as a
119 8 presiding officer. Administrative law judges shall be covered
119 9 by the merit system provisions of chapter ~~19A~~ 8A, article 4.

119 10 Sec. 131. Section 11.2, subsection 1, unnumbered paragraph
119 11 3, Code 2003, is amended to read as follows:

119 12 Provided further, that a preliminary audit of the
119 13 educational institutions and the state fair board shall be
119 14 made periodically, at least quarterly, to check the monthly
119 15 reports submitted to the director of ~~revenue and finance~~ the
119 16 department of administrative services as required by section
119 17 ~~421.31~~ 8A.502, subsection 4 ~~2~~, and that a final audit of such
119 18 state agencies shall be made at the close of each fiscal year.

119 19 Sec. 132. Section 12E.8, subsection 2, Code 2003, is
119 20 amended to read as follows:

119 21 2. The authority is exempt from the requirements of
119 22 chapter ~~10~~ 8A, article 3.

119 23 Sec. 133. Section 13.13, subsection 2, Code 2003, is
119 24 amended to read as follows:

119 25 2. The farm assistance program coordinator shall contract
119 26 with a nonprofit organization chartered in this state to
119 27 provide mediation services as provided in chapters 654A, 654B,
119 28 and 654C. The contract may be terminated by the coordinator
119 29 upon written notice and for good cause. The organization
119 30 awarded the contract is designated as the farm mediation
119 31 service for the duration of the contract. The organization
119 32 may, upon approval by the coordinator, provide mediation
119 33 services other than as provided by law. The farm mediation
119 34 service is not a state agency for the purposes of chapter 8A,
119 35 article 4, and chapters ~~19A,~~ 20, and 669.

120 1 Sec. 134. Section 13.22, subsection 6, Code 2003, is
120 2 amended to read as follows:

120 3 6. Cooperate to the fullest extent feasible with the
120 4 existing informational and referral networks among farmers,
120 5 farmer advocates, and others concerned with the economic
120 6 crisis in agricultural areas. The legal services provider is
120 7 not a state agency for the purposes of chapter 8A, article 4,
120 8 and chapters ~~19A,~~ 20, and 669.

120 9 Sec. 135. Section 13.34, subsection 4, Code 2003, is
120 10 amended to read as follows:

120 11 4. The contracting nonprofit organization is not a state
120 12 agency for the purposes of chapter 8A, article 4, and chapters
120 13 ~~19A,~~ 20, and 669.

120 14 Sec. 136. Section 13B.5, Code 2003, is amended to read as
120 15 follows:

120 16 13B.5 STAFF.

120 17 The state public defender may appoint assistant state
120 18 public defenders who, subject to the direction of the state
120 19 public defender, shall have the same duties as the state
120 20 public defender and shall not engage in the private practice

120 21 of law. The salaries of the staff shall be fixed by the state
120 22 public defender. The state public defender and the state
120 23 public defender's staff shall receive actual and necessary
120 24 expenses, including travel at the state rate set forth in
120 25 section ~~18.117~~ 8A.363.
120 26 Sec. 137. Section 15.106, subsection 2, Code 2003, is
120 27 amended to read as follows:
120 28 2. Employ personnel as necessary to carry out the duties
120 29 and responsibilities of the department, consistent with the
120 30 merit system provisions of chapter ~~19A~~ 8A, article 4, for
120 31 nonprofessional employees. Professional staff of the
120 32 department are exempt from the merit system provisions of
120 33 chapter ~~19A~~ 8A, article 4.
120 34 Sec. 138. Section 15.108, subsection 9, paragraph c, Code
120 35 2003, is amended to read as follows:
121 1 c. Except as otherwise provided in sections ~~7D.33~~ 8A.110,
121 2 260C.14, and 262.9, provide that an inventor whose research is
121 3 funded in whole or in part by the state shall assign to the
121 4 state a proportionate part of the inventor's rights to a
121 5 letter patent resulting from that research. Royalties or
121 6 earnings derived from a letter patent shall be paid to the
121 7 treasurer of state and credited by the treasurer to the
121 8 general fund of the state. However, the department in
121 9 conjunction with other state agencies, including the board of
121 10 regents, shall provide incentives to inventors whose research
121 11 is funded in whole or in part by the state for having their
121 12 products produced in the state. These incentives may include
121 13 taking a smaller portion of the inventor's royalties or
121 14 earnings than would otherwise occur under this paragraph or
121 15 other provisions of the law.
121 16 Sec. 139. Section 16.2, subsection 1, unnumbered paragraph
121 17 2, Code 2003, is amended to read as follows:
121 18 A title guaranty division is created within the authority.
121 19 The powers of the division relating to the issuance of title
121 20 guaranties are vested in and shall be exercised by a division
121 21 board of five members appointed by the governor subject to
121 22 confirmation by the senate. The membership of the board shall
121 23 include an attorney, an abstractor, a real estate broker, a
121 24 representative of a mortgage-lender, and a representative of
121 25 the housing development industry. The executive director of
121 26 the authority shall appoint an attorney as director of the
121 27 title guaranty division who shall serve as an ex officio
121 28 member of the board. The appointment of and compensation for
121 29 the division director are exempt from the merit system
121 30 provisions of chapter ~~19A~~ 8A, article 4.
121 31 Sec. 140. Section 16A.5, subsection 2, Code 2003, is
121 32 amended to read as follows:
121 33 2. The executive director is a nonvoting ex officio member
121 34 of the board, and shall advise the authority on matters
121 35 relating to finance, carry out all directives from the
122 1 authority, and hire and supervise the authority's staff
122 2 pursuant to its directions and under the merit system
122 3 provisions of chapter ~~19A~~ 8A, article 4, except that principal
122 4 administrative assistants with responsibilities in operating
122 5 loan programs, accounting, and processing of applications for
122 6 interest reduction are exempt from the merit system.
122 7 Sec. 141. Section 17A.6, subsection 5, Code 2003, is
122 8 amended to read as follows:
122 9 5. The Iowa administrative code, its supplements, and the
122 10 Iowa administrative bulletin shall be made available upon
122 11 request to all persons who subscribe to any of them ~~through~~
122 12 ~~the state printing division. Copies of this code so made~~
122 13 ~~available shall be kept current by the division.~~
122 14 Sec. 142. Section 19B.5, subsection 2, Code 2003, is
122 15 amended to read as follows:
122 16 2. The department of ~~personnel~~ administrative services
122 17 shall submit a report on the condition of affirmative action,
122 18 diversity, and multicultural programs in state agencies
122 19 covered by subsection 1 by September 30 of each year to the
122 20 governor and the general assembly. ~~The report shall include~~
122 21 ~~information identifying funding sources and itemized costs,~~
122 22 ~~including administrative costs, for these programs.~~
122 23 Sec. 143. Section 19B.12, subsection 4, Code 2003, is
122 24 amended to read as follows:
122 25 4. The department of ~~personnel~~ administrative services for
122 26 all state agencies, and the state board of regents for its
122 27 institutions, shall adopt rules and appropriate internal,
122 28 confidential grievance procedures to implement this section,
122 29 and shall adopt procedures for determining violations of this
122 30 section and for ordering appropriate dispositions that may
122 31 include, but are not limited to, discharge, suspension, or

122 32 reduction in rank or grade as defined in section ~~19A.9~~ 8A.413,
122 33 subsection 16.

122 34 Sec. 144. Section 20.5, subsection 4, Code 2003, is
122 35 amended to read as follows:

123 1 4. The board may employ such persons as are necessary for
123 2 the performance of its functions. Personnel of the board
123 3 shall be employed pursuant to the provisions of chapter ~~19A~~
123 4 8A, article 4.

123 5 Sec. 145. Section 20.18, unnumbered paragraph 2, Code
123 6 2003, is amended to read as follows:

123 7 Public employees of the state or public employees covered
123 8 by civil service shall follow either the grievance procedures
123 9 provided in a collective bargaining agreement, or in the event
123 10 that grievance procedures are not provided, shall follow
123 11 grievance procedures established pursuant to chapter ~~19A~~ 8A,
123 12 article 4, or chapter 400, as applicable.

123 13 Sec. 146. Section 23A.2, subsection 10, paragraph o, Code
123 14 2003, is amended to read as follows:

123 15 o. The performance of an activity authorized pursuant to
123 16 section ~~14B.102~~ 8A.202, subsection 2, paragraph ~~"i"~~ "k".

123 17 Sec. 147. Section 29A.13, Code 2003, is amended to read as
123 18 follows:

123 19 29A.13 APPROPRIATED FUNDS.

123 20 Operating expenses for the national guard including the
123 21 purchase of land, maintenance of facilities, improvement of
123 22 state military reservations, installations, and weapons firing
123 23 ranges owned or leased by the state of Iowa or the United
123 24 States shall be paid from funds appropriated for the support
123 25 and maintenance of the national guard. Claims for payment of
123 26 such expenses shall be subject to the approval of the adjutant
123 27 general. Upon approval of the adjutant general the claim
123 28 shall be submitted to the director of ~~revenue and finance in~~
123 29 ~~accordance with the procedures established by the director of~~
123 30 ~~revenue and finance under chapter 421~~ the department of
123 31 administrative services.

123 32 Payment for personnel compensation and authorized benefits
123 33 shall be approved by the adjutant general prior to submission
123 34 to the director of ~~revenue and finance~~ the department of
123 35 administrative services for payment.

124 1 Sec. 148. Section 35A.8, subsection 3, Code 2003, is
124 2 amended to read as follows:

124 3 3. Except for the employment duties and responsibilities
124 4 assigned to the commandant for the Iowa veterans home, the
124 5 executive director shall employ such personnel as are
124 6 necessary for the performance of the duties and
124 7 responsibilities assigned to the commission. All employees
124 8 shall be selected on a basis of fitness for the work to be
124 9 performed with due regard to training and experience and shall
124 10 be subject to the provisions of chapter ~~19A~~ 8A, article 4.

124 11 Sec. 149. Section 35A.10, Code 2003, is amended to read as
124 12 follows:

124 13 35A.10 MULTIYEAR CONSTRUCTION PROGRAM == CONSTRUCTION,
124 14 REPAIR, AND IMPROVEMENT PROJECTS.

124 15 1. The commission shall work with the department of
124 16 ~~general administrative~~ services to prepare and submit to the
124 17 director of the department of management, as provided in
124 18 section 8.23, a multiyear construction program including
124 19 estimates of the expenditure requirements for the
124 20 construction, repair, or improvement of buildings, grounds, or
124 21 equipment at the commission of veterans affairs building at
124 22 Camp Dodge and the Iowa veterans home in Marshalltown.

124 23 2. The commandant and the commission shall have plans and
124 24 specifications prepared by the department of ~~general~~
124 25 administrative services for authorized construction, repair,
124 26 or improvement projects in excess of twenty-five thousand
124 27 dollars. An appropriation for a project shall not be expended
124 28 until the department of ~~general administrative~~ services has
124 29 adopted plans and specifications and has completed a detailed
124 30 estimate of the cost of the project, prepared under the
124 31 supervision of a registered architect or registered
124 32 professional engineer.

124 33 3. The director of the department of ~~general~~
124 34 administrative services shall, in writing, let all contracts
124 35 for authorized improvements in excess of twenty-five thousand
125 1 dollars in accordance with chapter ~~18~~ 8A, article 3. The
125 2 director of the department of ~~general administrative~~ services
125 3 shall not authorize payment for construction purposes until
125 4 satisfactory proof has been furnished by the proper officer or
125 5 supervising architect that the parties have complied with the
125 6 contract.

125 7 Sec. 150. Section 35D.14, unnumbered paragraph 1, Code

125 8 2003, is amended to read as follows:

125 9 The commandant or the commandant's designee shall employ
125 10 such personnel as are necessary for the performance of the
125 11 duties and responsibilities assigned to the commandant. All
125 12 employees shall be selected on a basis of fitness for the work
125 13 to be performed with due regard to training and experience and
125 14 shall be subject to the provisions of chapter ~~19A~~ 8A, article
125 15 4.

125 16 Sec. 151. Section 42.1, subsection 5, paragraph b, Code
125 17 2003, is amended to read as follows:

125 18 b. An elective office in the executive or legislative
125 19 branch of the government of this state, or an office which is
125 20 filled by appointment and is exempt from the merit system
125 21 under section ~~19A.3~~ 8A.412.

125 22 Sec. 152. Section 47.8, subsection 3, unnumbered paragraph
125 23 2, Code 2003, is amended to read as follows:

125 24 The commission may authorize the registrar to employ such
125 25 additional staff personnel as it deems necessary to permit the
125 26 duties of the registrar's office to be adequately and promptly
125 27 discharged. Such personnel shall be employed pursuant to
125 28 chapter ~~19A~~ 8A, article 4.

125 29 Sec. 153. Section 55.1, unnumbered paragraph 2, Code 2003,
125 30 is amended to read as follows:

125 31 A leave of absence for a person regularly employed pursuant
125 32 to chapter ~~19A~~ 8A, article 4, is subject to section ~~19A.18~~
125 33 8A.416.

125 34 Sec. 154. Section 55.4, unnumbered paragraph 1, Code 2003,
125 35 is amended to read as follows:

126 1 Any public employee who becomes a candidate for any
126 2 elective public office shall, upon request of the employee and
126 3 commencing any time within thirty days prior to a contested
126 4 primary, special, or general election and continuing until
126 5 after the day following that election, automatically be given
126 6 a period of leave. If the employee is under chapter ~~19A~~ 8A,

126 7 article 4, the employee may choose to use accrued vacation
126 8 leave, accrued compensatory leave or leave without pay to
126 9 cover these periods. The appointing authority may authorize
126 10 other employees to use accrued vacation leave or accrued
126 11 compensatory leave instead of leave without pay to cover these
126 12 periods. An employee who is a candidate for any elective
126 13 public office shall not campaign while on duty as an employee.

126 14 Sec. 155. Section 68B.32, subsection 5, Code 2003, is
126 15 amended to read as follows:

126 16 5. The board shall employ a full-time executive director
126 17 who shall be the board's chief administrative officer. The
126 18 board shall employ or contract for the employment of legal
126 19 counsel notwithstanding section 13.7, and any other personnel
126 20 as may be necessary to carry out the duties of the board. The
126 21 board's legal counsel shall be the chief legal officer of the
126 22 board, and shall advise the board on all legal matters
126 23 relating to the administration of this chapter and chapter 56.
126 24 The state may be represented by the board's legal counsel in
126 25 any civil action regarding the enforcement of this chapter or
126 26 chapter 56, or, at the board's request, the state may be
126 27 represented by the office of the attorney general.

126 28 Notwithstanding section ~~19A.3~~ 8A.412, all of the board's

126 29 employees, except for the executive director and legal
126 30 counsel, shall be employed subject to the merit system
126 31 provisions of chapter ~~19A~~ 8A, article 4. The salary of the
126 32 executive director shall be fixed by the board, within the
126 33 range established by the general assembly. The salary of the
126 34 legal counsel shall be fixed by the board, within a salary
126 35 range established by the department of personnel for a
127 1 position requiring similar qualifications and experience.

127 2 Sec. 156. Section 70A.38, subsection 8, Code 2003, is
127 3 amended to read as follows:

127 4 8. This section is repealed June 30, ~~2003~~ 2008.

127 5 Sec. 157. Section 84A.7, subsection 5, Code 2003, is
127 6 amended to read as follows:

127 7 5. PARTICIPANT ELIGIBILITY. Notwithstanding any contrary
127 8 provision of ~~chapters 19A~~ chapter 8A, article 4, and chapter
127 9 96, a person employed through an Iowa conservation corps
127 10 program shall be exempt from merit system requirements and
127 11 shall not be eligible to receive unemployment compensation
127 12 benefits.

127 13 Sec. 158. Section 86.2, subsection 1, Code 2003, is
127 14 amended to read as follows:

127 15 1. Chief deputy workers' compensation commissioners for
127 16 whose acts the commissioner is responsible, who are exempt
127 17 from the merit system provisions of chapter ~~19A~~ 8A, article 4,
127 18 and who shall serve at the pleasure of the commissioner.

127 19 Sec. 159. Section 88.2, subsection 3, Code 2003, is
127 20 amended to read as follows:
127 21 3. Personnel administering the chapter shall be employed
127 22 pursuant to chapter ~~19A 8A, article 4.~~
127 23 Sec. 160. Section 88A.6, Code 2003, is amended to read as
127 24 follows:
127 25 88A.6 PERSONNEL.
127 26 The commissioner may employ inspectors and any other
127 27 personnel deemed necessary to carry out the provisions of this
127 28 chapter, subject to the provisions of chapter ~~19A 8A, article~~
127 29 ~~4.~~
127 30 Sec. 161. Section 89.1, unnumbered paragraph 1, Code 2003,
127 31 is amended to read as follows:
127 32 The labor commissioner shall enforce the provisions of this
127 33 chapter and may employ qualified personnel under the
127 34 provisions of chapter ~~19A 8A, article 4,~~ to administer the
127 35 provisions of this chapter.
128 1 Sec. 162. Section 89A.4, Code 2003, is amended to read as
128 2 follows:
128 3 89A.4 COMMISSIONER'S DUTIES AND PERSONNEL.
128 4 The commissioner shall enforce the provisions of this
128 5 chapter. The commissioner shall employ personnel for the
128 6 administration of this chapter pursuant to chapter ~~19A 8A,~~
128 7 ~~article 4.~~
128 8 Sec. 163. Section 91A.9, subsection 3, Code 2003, is
128 9 amended to read as follows:
128 10 3. The commissioner may employ such qualified personnel as
128 11 are necessary for the enforcement of this chapter. Such
128 12 personnel shall be employed pursuant to chapter ~~19A 8A,~~
128 13 ~~article 4.~~
128 14 Sec. 164. Section 96.11, subsection 16, Code 2003, is
128 15 amended to read as follows:
128 16 16. Reimbursement of setoff costs. The department shall
128 17 include in the amount set off in accordance with section
128 18 ~~421.17, subsection 29 8A.504,~~ for the collection of an
128 19 overpayment created pursuant to section 96.3, subsection 7, or
128 20 section 96.16, subsection 4, an additional amount for the
128 21 reimbursement of setoff costs incurred by the department of
128 22 ~~revenue and finance administrative services.~~
128 23 Sec. 165. Section 97.51, subsection 1, Code 2003, is
128 24 amended to read as follows:
128 25 1. The treasurer of state is the custodian and trustee of
128 26 this fund and shall administer the fund in accordance with the
128 27 directions of the ~~department of personnel~~ Iowa public
128 28 employees' retirement system created in section 97B.1. It is
128 29 the duty of the trustee:
128 30 a. To hold said trust funds.
128 31 b. Under the direction of the department and as designated
128 32 by the department, invest such portion of said trust funds as
128 33 are not needed for current payment of benefits, in interest=
128 34 bearing securities issued by the United States, or interest=
128 35 bearing bonds issued by the state of Iowa, or bonds issued by
129 1 counties, school districts or general obligations or limited
129 2 levy bonds issued by municipal corporations in this state as
129 3 authorized by law; also to sell and dispose of same when
129 4 needed for the payment of benefits.
129 5 c. To disburse the trust funds upon warrants drawn by the
129 6 director of revenue and finance pursuant to the order of the
129 7 ~~department of personnel~~ Iowa public employees' retirement
129 8 system created in section 97B.1.
129 9 Sec. 166. Section 97.51, subsection 3, Code 2003, is
129 10 amended to read as follows:
129 11 3. The ~~department of personnel~~ Iowa public employees'
129 12 retirement system created in section 97B.1 shall administer
129 13 the Iowa old-age and survivors' insurance liquidation fund and
129 14 shall also administer all other provisions of this chapter.
129 15 Sec. 167. Section 97.52, Code 2003, is amended to read as
129 16 follows:
129 17 97.52 ADMINISTRATION AGREEMENTS.
129 18 The ~~department of personnel~~ Iowa public employees'
129 19 retirement system created in section 97B.1 may enter into
129 20 agreements whereby services performed by the ~~department system~~
129 21 and its employees under chapters 97, 97B, and 97C shall be
129 22 equitably apportioned among the funds provided for the
129 23 administration of those chapters. The money spent for
129 24 personnel, rentals, supplies, and equipment used by the
129 25 ~~department system~~ in administering the chapters shall be
129 26 equitably apportioned and charged against the funds.
129 27 Sec. 168. Section 97A.5, subsections 5 and 6, Code 2003,
129 28 are amended to read as follows:
129 29 5. STAFF. The department of ~~personnel~~ public safety shall

129 30 provide administrative services to the board of trustees.
129 31 Investments shall be administered through the office of the
129 32 treasurer of state.
129 33 6. DATA == RECORDS == REPORTS.
129 34 a. The department of ~~personnel~~ public safety shall keep in
129 35 convenient form the data necessary for actuarial valuation of
130 1 the various funds of the system and for checking the expense
130 2 of the system. The ~~director of the department~~ commissioner of
130 3 ~~personnel~~ public safety shall keep a record of all the acts
130 4 and proceedings of the board, which records shall be open to
130 5 public inspection. The board of trustees shall biennially
130 6 make a report to the general assembly showing the fiscal
130 7 transactions of the system for the preceding biennium, the
130 8 amount of the accumulated cash and securities of the system,
130 9 and the last balance sheet showing the financial condition of
130 10 the system by means of an actuarial valuation of the assets
130 11 and liabilities of the system.
130 12 b. The ~~director of the department~~ commissioner of
130 13 ~~personnel~~ public safety shall maintain records, including but
130 14 not limited to names, addresses, ages, and lengths of service,
130 15 salaries and wages, contributions, designated beneficiaries,
130 16 benefit amounts, if applicable, and other information
130 17 pertaining to members as necessary in the administration of
130 18 this chapter, as well as the names, addresses, and benefit
130 19 amounts of beneficiaries. For the purpose of obtaining these
130 20 facts, the ~~director~~ commissioner of ~~personnel~~ public safety
130 21 shall have access to the records of the various departments of
130 22 the state and the departments shall provide such information
130 23 upon request. Member and beneficiary records containing
130 24 personal information are not public records for the purposes
130 25 of chapter 22. However, summary information concerning the
130 26 demographics of the members and general statistical
130 27 information concerning the system is subject to chapter 22, as
130 28 well as aggregate information by category.
130 29 Sec. 169. Section 97A.7, subsection 4, Code 2003, is
130 30 amended to read as follows:
130 31 4. A member of the board of trustees or an employee of the
130 32 department of ~~personnel~~ public safety shall not have a direct
130 33 interest in the gains or profits of any investment made by the
130 34 board of trustees. A trustee shall not receive any pay or
130 35 emolument for the trustee's services. A trustee or employee
131 1 of the department of ~~personnel~~ public safety shall not
131 2 directly or indirectly use the assets of the system except to
131 3 make current and necessary payments as authorized by the board
131 4 of trustees, nor shall a trustee or employee of the department
131 5 of ~~personnel~~ public safety become an endorser or surety or
131 6 become in any manner an obligor for moneys loaned by or
131 7 borrowed from the board of trustees.
131 8 Sec. 170. Section 97B.1, Code 2003, is amended to read as
131 9 follows:
131 10 97B.1 SYSTEM CREATED == ORGANIZATIONAL DEFINITIONS.
131 11 1. The "Iowa Public Employees' Retirement System" is
131 12 ~~created established as an independent agency within the~~
131 13 ~~executive branch of state government. The Iowa public~~
131 14 ~~employees' retirement system division, a separate and distinct~~
131 15 ~~division within the department of personnel, shall administer~~
131 16 ~~the retirement system established under this chapter.~~
131 17 2. As used in this chapter, unless the context requires
131 18 otherwise:
131 19 a. "Board" means the investment board created by section
131 20 97B.8A.
131 21 b. "Chief executive officer" means the chief executive
131 22 officer of the Iowa public employees' retirement system
131 23 ~~division, notwithstanding section 7E.2, subsection 3,~~
131 24 ~~paragraph "c", subparagraph (1).~~
131 25 c. "Committee" means the benefits advisory committee
131 26 created by section 97B.8B.
131 27 d. ~~"Division" means the Iowa public employees' retirement~~
131 28 ~~system division.~~
131 29 e- d. "System" means the Iowa public employees' retirement
131 30 system.
131 31 Sec. 171. Section 97B.1A, subsection 23, Code 2003, is
131 32 amended to read as follows:
131 33 ~~23- 19A. "System" "Retirement system" means the retirement~~
131 34 ~~plan as contained herein in this chapter or as duly amended.~~
131 35 Sec. 172. Section 97B.4, subsection 2, paragraph c, Code
132 1 2003, is amended to read as follows:
132 2 c. In administering this chapter, the ~~division shall~~
132 3 ~~system may~~ enter into a biennial agreement with the department
132 4 of ~~personnel~~ administrative services concerning the sharing of
132 5 resources between the division system and department which are

132 6 of benefit to each and which are consistent with the mission
132 7 of the division system and the department. The budget program
132 8 for the division system shall be established by the chief
132 9 executive officer in consultation with the board and other
132 10 staff of the division system and shall be compiled by the
132 11 ~~department of personnel in collaboration with the division and~~
132 12 ~~submitted on behalf of the division by the department system~~
132 13 pursuant to section 8.23.

132 14 Sec. 173. Section 97B.4, subsection 3, paragraphs a, b, c,
132 15 and d, Code 2003, are amended to read as follows:

132 16 a. CHIEF INVESTMENT OFFICER. The chief executive officer,
132 17 following consultation with the board, shall employ a chief
132 18 investment officer who shall be appointed pursuant to chapter
132 19 ~~19A 8A, article 4,~~ and shall be responsible for administering
132 20 the investment program for the retirement fund pursuant to the
132 21 investment policies of the board.

132 22 b. CHIEF BENEFITS OFFICER. The chief executive officer,
132 23 following consultation with the benefits advisory committee,
132 24 shall employ a chief benefits officer who shall be appointed
132 25 pursuant to chapter ~~19A 8A, article 4,~~ and shall be
132 26 responsible for administering the benefits and other services
132 27 provided under the retirement system.

132 28 c. ACTUARY. The division system shall employ an actuary
132 29 who shall be selected by the board and shall serve at the
132 30 pleasure of the board. The actuary shall be the technical
132 31 advisor for the system on matters regarding the operation of
132 32 the retirement fund.

132 33 d. ~~DIVISION SYSTEM EMPLOYEES.~~ Subject to other provisions
132 34 of this chapter, the division system may employ all other
132 35 personnel as necessary for the administration of the
133 1 retirement system. The maximum number of full-time equivalent
133 2 employees specified by the general assembly for the division
133 3 system for administration of the retirement system for a
133 4 fiscal year shall not be reduced by any authority other than
133 5 the general assembly. The personnel of the division system
133 6 shall be appointed pursuant to chapter ~~19A 8A, article 4.~~ The
133 7 division system shall not appoint or employ a person who is an
133 8 officer or committee member of a political party organization
133 9 or who holds or is a candidate for a partisan elective public
133 10 office.

133 11 Sec. 174. Section 97B.7A, subsection 5, Code 2003, is
133 12 amended to read as follows:

133 13 5. TRAVEL. In the administration of the investment of
133 14 moneys in the retirement fund, employees of the division
133 15 system and members of the board may travel outside the state
133 16 for the purpose of meeting with investment firms and
133 17 consultants and attending conferences and meetings to fulfill
133 18 their fiduciary responsibilities. This travel is not subject
133 19 to section ~~421.38~~ 8A.512, subsection 2.

133 20 Sec. 175. Section 97B.43, unnumbered paragraph 1, Code
133 21 2003, is amended to read as follows:

133 22 Each member in service on July 4, 1953, who made
133 23 contributions under the abolished system, and who has not
133 24 applied for and qualified for benefit payments under the
133 25 abolished system, shall receive credit for years of prior
133 26 service in the determination of retirement allowance payments
133 27 under this chapter, if the member elects to become a member on
133 28 or before October 1, 1953, the member has not made application
133 29 for a refund of the part of the member's contributions under
133 30 the abolished system which are payable under sections 97.50 to
133 31 97.53, and the member gives written authorization prior to
133 32 October 1, 1953, to the commission to credit to the retirement
133 33 fund the amount of the member's contribution which would be
133 34 subject to a claim for refund. The amount so credited shall,
133 35 after transfer, be considered as a contribution to the
134 1 retirement system made as of July 4, 1953, by the member and
134 2 shall be included in the determination of the amount of moneys
134 3 payable under this chapter. However, an employee who was
134 4 under a contract of employment as a teacher in the public
134 5 schools of the state of Iowa at the end of the school year
134 6 1952=1953, or any person covered by section 97B.1A, subsection
134 7 20, paragraph "c" or "d", shall be considered as in service as
134 8 of July 4, 1953, if they were members of the abolished system.

134 9 Sec. 176. Section 97B.49B, subsection 1, paragraph e,
134 10 subparagraph (3), Code 2003, is amended to read as follows:

134 11 (3) A correctional officer or correctional supervisor
134 12 employed by the Iowa department of corrections, and any other
134 13 employee of that department whose primary purpose is, through
134 14 ongoing direct inmate contact, to enforce and maintain
134 15 discipline, safety, and security within a correctional
134 16 facility. The Iowa department of corrections and the

134 17 ~~personnel division of the department of personnel~~
134 18 administrative services shall jointly determine which job
134 19 classifications are covered under this subparagraph.
134 20 Sec. 177. Section 97B.49B, subsection 1, paragraph e,
134 21 subparagraph (7), Code 2003, is amended to read as follows:
134 22 (7) An employee covered by the merit system as provided in
134 23 chapter ~~19A 8A, article 4~~, whose primary duty is providing
134 24 airport security and who carries or is licensed to carry a
134 25 firearm while performing those duties.
134 26 Sec. 178. Section 97B.49F, subsection 2, paragraph c,
134 27 subparagraph (5), Code 2003, is amended to read as follows:
134 28 (5) As used in this paragraph, "favorable actuarial
134 29 experience" means the difference, if positive, between the
134 30 anticipated and actual experience of the retirement system's
134 31 actuarial assets and liabilities as measured by the system's
134 32 actuary in the most recent annual actuarial valuation of the
134 33 retirement system pursuant to rules adopted by the division
134 34 system.
134 35 Sec. 179. Section 97B.50, subsection 2, paragraph c, Code
135 1 2003, is amended to read as follows:
135 2 c. A vested member who terminated service due to a
135 3 disability, who has been issued payment for a refund pursuant
135 4 to section 97B.53, and who subsequently commences receiving
135 5 disability benefits as a result of that disability pursuant to
135 6 the federal Social Security Act, 42 U.S.C. } 423 et seq. or
135 7 the federal Railroad Retirement Act, 45 U.S.C. } 231 et seq.,
135 8 may receive credit for membership service for the period
135 9 covered by the refund payment, upon repayment to the division
135 10 system of the actuarial cost of receiving service credit for
135 11 the period covered by the refund payment, as determined by the
135 12 division system. For purposes of this paragraph, the
135 13 actuarial cost of the service purchase shall be determined as
135 14 provided in section 97B.74. The payment to the division
135 15 system as provided in this paragraph shall be made within
135 16 ninety days after July 1, 2000, or the date federal disability
135 17 payments commenced, whichever occurs later. For purposes of
135 18 this paragraph, the date federal disability payments commence
135 19 shall be the date that the member actually receives the first
135 20 such payment, regardless of any retroactive payments included
135 21 in that payment. A member who repurchases service credit
135 22 under this paragraph and applies for retirement benefits shall
135 23 have the member's monthly allowance, including retroactive
135 24 adjustment payments, determined in the same manner as provided
135 25 in paragraph "a" or "b", as applicable. This paragraph shall
135 26 not be implemented until the system has received a
135 27 determination letter from the federal internal revenue service
135 28 approving the system's plan's qualified status under Internal
135 29 Revenue Code section 401(a).
135 30 Sec. 180. Section 97B.64, Code 2003, is amended to read as
135 31 follows:
135 32 97B.64 INSURANCE LAWS NOT APPLICABLE.
135 33 None of the laws of this state regulating insurance or
135 34 insurance companies shall apply to the division system or to
135 35 the ~~Iowa public employees'~~ retirement system or any of its
136 1 funds.
136 2 Sec. 181. Section 97C.2, subsection 8, Code 2003, is
136 3 amended to read as follows:
136 4 8. The term "state agency" means the ~~department of~~
136 5 ~~personnel Iowa public employees' retirement system created in~~
136 6 section 97B.1.
136 7 Sec. 182. Section 99E.3, subsection 3, Code 2003, is
136 8 amended to read as follows:
136 9 3. The commissioner may employ, with the approval of the
136 10 director, clerks, stenographers, inspectors, agents, and other
136 11 employees pursuant to chapter ~~19A 8A, article 4~~, as necessary
136 12 to carry out this chapter, except as provided in section
136 13 99E.14. The commissioner may require a background
136 14 investigation to be conducted in connection with the
136 15 employment of lottery employees. The board shall define, by
136 16 rule, the employment categories subject to investigation. The
136 17 background investigation by the division of criminal
136 18 investigation of the department of public safety may include a
136 19 national criminal history record check through the federal
136 20 bureau of investigation. The screening of lottery employees
136 21 through the federal bureau of investigation shall be conducted
136 22 by submission of fingerprints through the state criminal
136 23 history record repository to the federal bureau of
136 24 investigation.
136 25 Sec. 183. Section 99E.14, unnumbered paragraph 1, Code
136 26 2003, is amended to read as follows:
136 27 The commissioner shall designate three administrative

136 28 positions within the division which require specific areas of
136 29 expertise relating to the operation of the lottery. These
136 30 three administrative positions are exempt from the merit
136 31 system provisions of chapter ~~19A~~ 8A, article 4. The
136 32 commissioner shall designate one of these three administrators
136 33 to serve as acting commissioner in the commissioner's absence.
136 34 Sec. 184. Section 103A.6, Code 2003, is amended to read as
136 35 follows:

137 1 103A.6 MERIT SYSTEM.

137 2 Employees of the commissioner, if required by federal
137 3 statutes, are covered by the merit system provisions of
137 4 chapter ~~19A~~ 8A, article 4.

137 5 Sec. 185. Section 123.20, subsection 4, Code 2003, is
137 6 amended to read as follows:

137 7 4. To appoint clerks, agents, or other employees required
137 8 for carrying out the provisions of this chapter; to dismiss
137 9 employees for cause; to assign employees to bureaus as created
137 10 by the administrator within the division; and to designate
137 11 their title, duties, and powers. All employees of the
137 12 division are subject to chapter ~~19A~~ 8A, article 4, unless
137 13 exempt under section ~~19A.3~~ 8A.412.

137 14 Sec. 186. Section 135.2, unnumbered paragraph 1, Code
137 15 2003, is amended to read as follows:

137 16 The governor shall appoint the director of the department,
137 17 subject to confirmation by the senate. The director shall
137 18 serve at the pleasure of the governor. The director is exempt
137 19 from the merit system provisions of chapter ~~19A~~ 8A, article 4.
137 20 The governor shall set the salary of the director within the
137 21 range established by the general assembly.

137 22 Sec. 187. Section 135C.16, subsection 1, Code 2003, is
137 23 amended to read as follows:

137 24 1. In addition to the inspections required by sections
137 25 135C.9 and 135C.38, the department shall make or cause to be
137 26 made such further unannounced inspections as it deems
137 27 necessary to adequately enforce this chapter. At least one
137 28 general unannounced inspection shall be conducted for each
137 29 health care facility within a thirty-month period. The
137 30 inspector shall show identification to the person in charge of
137 31 the facility and state that an inspection is to be made before
137 32 beginning the inspection. An employee of the department who
137 33 gives unauthorized advance notice of an inspection made or
137 34 planned to be made under this subsection or section 135C.38
137 35 shall be disciplined as determined by the director, except
138 1 that if the employee is employed pursuant to the merit system
138 2 provisions of chapter ~~19A~~ 8A, article 4, the discipline shall
138 3 not exceed the discipline authorized pursuant to that ~~chapter~~
138 4 article.

138 5 Sec. 188. Section 135C.18, Code 2003, is amended to read
138 6 as follows:

138 7 135C.18 EMPLOYEES.

138 8 The department may employ, pursuant to chapter ~~19A~~ 8A,
138 9 article 4, such assistants and inspectors as may be necessary
138 10 to administer and enforce the provisions of this chapter.

138 11 Sec. 189. Section 137.6, subsection 4, Code 2003, is
138 12 amended to read as follows:

138 13 4. Employ persons as necessary for the efficient discharge
138 14 of its duties. Employment practices shall meet the
138 15 requirements of chapter ~~19A~~ 8A, article 4, or any civil
138 16 service provision adopted under chapter 400.

138 17 Sec. 190. Section 142A.5, subsection 1, paragraph b, Code
138 18 2003, is amended to read as follows:

138 19 b. Employ a division administrator who shall be
138 20 responsible for the administration and oversight of the
138 21 division. The division administrator shall report to and
138 22 shall serve at the pleasure of the director. The
138 23 administrator shall be exempt from the merit system provisions
138 24 of chapter ~~19A~~ 8A, article 4.

138 25 Sec. 191. Section 142A.6, subsection 5, Code 2003, is
138 26 amended to read as follows:

138 27 5. Procurement of goods and services necessary to
138 28 implement the initiative is subject to approval of the
138 29 commission. Notwithstanding chapter ~~18~~ 8A, article 3, or any
138 30 other provision of law to the contrary, such procurement may
138 31 be accomplished by the commission under its own competitive
138 32 bidding process which shall provide for consideration of such
138 33 factors as price, bidder competence, and expediency in
138 34 procurement.

138 35 Sec. 192. Section 147.98, Code 2003, is amended to read as
139 1 follows:

139 2 147.98 SECRETARY OF PHARMACY EXAMINERS.

139 3 The pharmacy examiners shall have the right to employ a

139 4 full-time secretary, who shall not be a member of the
139 5 examining board, at such compensation as may be fixed pursuant
139 6 to chapter ~~19A 8A, article 4,~~ but the provisions of section
139 7 147.22 providing for a secretary for each examining board
139 8 shall not apply to the pharmacy examiners.
139 9 Sec. 193. Section 147.102, Code 2003, is amended to read
139 10 as follows:
139 11 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.
139 12 Notwithstanding the provisions of this subtitle, every
139 13 application for a license to practice psychology,
139 14 chiropractic, or dentistry shall be made directly to the
139 15 chairperson, executive director, or secretary of the examining
139 16 board of such profession, and every reciprocal agreement for
139 17 the recognition of any such license issued in another state
139 18 shall be negotiated by the examining board for such
139 19 profession. All examination, license, and renewal fees
139 20 received from persons licensed to practice any of such
139 21 professions shall be paid to and collected by the chairperson,
139 22 executive director, or secretary of the examining board of
139 23 such profession, who shall transmit the fees to the treasurer
139 24 of state for deposit into the general fund of the state. The
139 25 salary of the secretary shall be established by the governor
139 26 with the approval of the executive council pursuant to section
139 27 ~~19A-9 8A.413,~~ subsection 2, under the pay plan for exempt
139 28 positions in the executive branch of government.
139 29 Sec. 194. Section 147.103, unnumbered paragraph 1, Code
139 30 2003, is amended to read as follows:
139 31 The board of physician assistant examiners may appoint
139 32 investigators, who shall not be members of the examining
139 33 board, to administer and aid in the enforcement of the
139 34 provisions of law relating to physician assistants. The
139 35 amount of compensation for the investigators shall be
140 1 determined pursuant to chapter ~~19A 8A, article 4.~~
140 2 Sec. 195. Section 147.103A, subsections 3 and 4, Code
140 3 2003, are amended to read as follows:
140 4 3. The board may appoint investigators, who shall not be
140 5 members of the examining board, and whose compensation shall
140 6 be determined pursuant to chapter ~~19A 8A, article 4.~~
140 7 Investigators appointed by the board have the powers and
140 8 status of peace officers when enforcing this chapter and
140 9 chapters 148, 150, 150A, and 272C.
140 10 4. Applications for a license shall be made to the chair-
140 11 person, executive director, or secretary of the board. All
140 12 examination, license, and renewal fees shall be paid to and
140 13 collected by the chairperson, executive director, or secretary
140 14 of the board, who shall transmit the fees to the treasurer of
140 15 state for deposit in the general fund of the state. The
140 16 salary of the executive director of the board shall be
140 17 established by the governor with approval of the executive
140 18 council pursuant to section ~~19A-9 8A.413,~~ subsection 2, under
140 19 the pay plan for exempt positions in the executive branch of
140 20 government.
140 21 Sec. 196. Section 147.114, Code 2003, is amended to read
140 22 as follows:
140 23 147.114 INSPECTOR.
140 24 An inspector may be appointed by the board of dental
140 25 examiners pursuant to the provisions of chapter ~~19A 8A,~~
140 26 ~~article 4.~~
140 27 Sec. 197. Section 152.2, Code 2003, is amended to read as
140 28 follows:
140 29 152.2 EXECUTIVE DIRECTOR == ASSISTANTS.
140 30 The board shall appoint a full-time executive director.
140 31 The executive director shall be a registered nurse and shall
140 32 not be a member of the board. The governor, with the approval
140 33 of the executive council pursuant to section ~~19A-9 8A.413,~~
140 34 subsection 2, under the pay plan for exempt positions in the
140 35 executive branch of government, shall set the salary of the
141 1 executive director.
141 2 Sec. 198. Section 152.3, subsection 6, Code 2003, is
141 3 amended to read as follows:
141 4 6. To appoint assistants to the director and persons
141 5 necessary to administer this ~~Act~~ chapter. Any appointments
141 6 shall be merit appointments made pursuant to chapter ~~19A 8A,~~
141 7 ~~article 4.~~
141 8 Sec. 199. Section 152.11, Code 2003, is amended to read as
141 9 follows:
141 10 152.11 INVESTIGATORS FOR NURSES.
141 11 The board of nursing may appoint investigators, who shall
141 12 not be members of the board, to administer and aid in the
141 13 enforcement of the provisions of law related to those licensed
141 14 to practice nursing. The amount of compensation for the

141 15 investigators shall be determined pursuant to chapter ~~19A 8A,~~
141 16 article 4. Investigators authorized by the board of nursing
141 17 have the powers and status of peace officers when enforcing
141 18 this chapter and chapters 147 and 272C.
141 19 Sec. 200. Section 153.33, subsection 2, Code 2003, is
141 20 amended to read as follows:
141 21 2. To appoint investigators, who shall not be members of
141 22 the examining board, to administer and aid in the enforcement
141 23 of the provisions of law relating to those persons licensed to
141 24 practice dentistry and dental hygiene, and persons registered
141 25 as dental assistants. The amount of compensation for the
141 26 investigators shall be determined pursuant to chapter ~~19A 8A,~~
141 27 article 4. Investigators authorized by the board of dental
141 28 examiners have the powers and status of peace officers when
141 29 enforcing this chapter and chapters 147 and 272C.
141 30 Sec. 201. Section 157.7, Code 2003, is amended to read as
141 31 follows:
141 32 157.7 INSPECTORS AND CLERICAL ASSISTANTS.
141 33 The department of inspections and appeals shall employ
141 34 personnel ~~under pursuant to chapter 19A 8A, article 4,~~ to
141 35 perform duties related to inspection functions under this
142 1 chapter. The department of inspections and appeals shall,
142 2 when possible, integrate inspection efforts under this chapter
142 3 with inspections conducted under chapter 158.
142 4 The Iowa department of public health may employ clerical
142 5 assistants ~~under pursuant to chapter 19A 8A, article 4,~~ to
142 6 administer and enforce this chapter. The costs and expenses
142 7 of the clerical assistants shall be paid from funds
142 8 appropriated to the department of public health.
142 9 Sec. 202. Section 158.6, Code 2003, is amended to read as
142 10 follows:
142 11 158.6 INSPECTORS AND CLERICAL ASSISTANTS.
142 12 The department of inspections and appeals shall employ
142 13 personnel ~~under pursuant to chapter 19A 8A, article 4,~~ to
142 14 perform duties related to inspection functions under this
142 15 chapter. The department of inspections and appeals shall,
142 16 when possible, integrate inspection efforts under this chapter
142 17 with inspections conducted under chapter 157.
142 18 The Iowa department of public health may employ clerical
142 19 assistants ~~under pursuant to chapter 19A 8A, article 4,~~ to
142 20 administer and enforce this chapter. The costs and expenses
142 21 of the clerical assistants shall be paid from funds
142 22 appropriated to the department of public health.
142 23 Sec. 203. Section 175.7, subsection 3, Code 2003, is
142 24 amended to read as follows:
142 25 3. The executive director shall advise the authority on
142 26 matters relating to agricultural land and property and
142 27 agricultural finance, and carry out all directives from the
142 28 authority, and shall hire and supervise the authority's staff
142 29 pursuant to its directions and under the merit system
142 30 provisions of chapter ~~19A 8A, article 4,~~ except that principal
142 31 administrative assistants with responsibilities in beginning
142 32 farm loan programs, accounting, mortgage loan processing, and
142 33 investment portfolio management are exempt from the merit
142 34 system.
142 35 Sec. 204. Section 189.2, subsection 4, Code 2003, is
143 1 amended to read as follows:
143 2 4. Issue from time to time, bulletins showing the results
143 3 of inspections, analyses, and prosecutions under this
143 4 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
143 5 208. These bulletins shall be printed in such numbers as may
143 6 be approved by the ~~state printing administrator~~ director of
143 7 the department of administrative services and shall be
143 8 distributed to the newspapers of the state and to all
143 9 interested persons.
143 10 Sec. 205. Section 216A.2, unnumbered paragraph 2, Code
143 11 2003, is amended to read as follows:
143 12 The governor shall appoint the administrators of each of
143 13 the divisions subject to confirmation by the senate. Each
143 14 administrator shall serve at the pleasure of the governor and
143 15 is exempt from the merit system provisions of chapter ~~19A 8A,~~
143 16 article 4. The governor shall set the salary of the division
143 17 administrators within the ranges set by the general assembly.
143 18 Sec. 206. Section 216A.145, Code 2003, is amended to read
143 19 as follows:
143 20 216A.145 EMPLOYEES AND RESPONSIBILITY.
143 21 The administrator shall be the administrative officer of
143 22 the division and shall be responsible for implementing
143 23 policies and programs. The administrator may employ, in
143 24 accordance with chapter ~~19A 8A, article 4,~~ other persons
143 25 necessary to carry out the programs of the division.

143 26 Sec. 207. Section 216B.3, subsections 14 and 17, Code
143 27 2003, are amended to read as follows:

143 28 14. Purchase and use recycled printing and writing paper
143 29 in accordance with the schedule established in section ~~18.18~~
143 30 8A.315; establish a wastepaper recycling program, ~~by January~~
~~143 31 1, 1990~~, in accordance with the recommendations made by the
143 32 department of natural resources and requirements of section
143 33 ~~18.20 8A.329~~; and, in accordance with section ~~18.6~~ 8A.311,
143 34 require product content statements and compliance with
143 35 requirements regarding contract bidding.

144 1 17. Comply with the requirements for the purchase of
144 2 lubricating oils, industrial oils, greases, and hydraulic
144 3 fluids as established pursuant to section ~~18.22~~ 8A.316.

144 4 Sec. 208. Section 217.23, subsection 1, Code 2003, is
144 5 amended to read as follows:

144 6 1. The director of human services or the director's
144 7 designee, shall employ such personnel as are necessary for the
144 8 performance of the duties and responsibilities assigned to the
144 9 department. All employees shall be selected on a basis of
144 10 fitness for the work to be performed with due regard to
144 11 training and experience and shall be subject to the provisions
144 12 of chapter ~~19A~~ 8A, article 4.

144 13 Sec. 209. Section 217.34, Code 2003, is amended to read as
144 14 follows:

144 15 217.34 DEBT SETOFF.

144 16 The investigations division of the department of
144 17 inspections and appeals and the department of human services
144 18 shall provide assistance to set off against a person's or
144 19 provider's income tax refund or rebate any debt which has
144 20 accrued through written contract, subrogation, departmental
144 21 recoupment procedures, or court judgment and which is in the
144 22 form of a liquidated sum due and owing the department of human
144 23 services. The department of inspections and appeals, with
144 24 approval of the department of human services, shall adopt
144 25 rules under chapter 17A necessary to assist the department of
144 26 ~~revenue and finance administrative services~~ in the
144 27 implementation of the setoff under section ~~421.17, subsection~~
~~144 28 21 8A.504~~ in regard to money owed to the state for public
144 29 assistance overpayments. The department of human services
144 30 shall adopt rules under chapter 17A necessary to assist the
144 31 department of ~~revenue and finance administrative services~~ in
144 32 the implementation of the setoff under section ~~421.17,~~
~~144 33 subsection 21 8A.504~~, in regard to collections by the child
144 34 support recovery unit and the foster care recovery unit.

144 35 Sec. 210. Section 218.10, Code 2003, is amended to read as
145 1 follows:

145 2 218.10 SUBORDINATE OFFICERS AND EMPLOYEES.

145 3 The administrator in charge of a particular institution,
145 4 with the consent and approval of the director of human
145 5 services, shall determine the number of subordinate officers
145 6 and employees for the institution. Subject to this chapter,
145 7 the officers and employees shall be appointed and discharged
145 8 by the superintendent or business manager pursuant to chapter
145 9 ~~19A 8A, article 4~~. The superintendent shall keep, in the
145 10 record of each subordinate officer and employee, the date of
145 11 employment, the compensation, and the date of each discharge,
145 12 and the reasons for discharge.

145 13 Sec. 211. Section 218.58, subsections 3 and 5, Code 2003,
145 14 are amended to read as follows:

145 15 3. The department of ~~general administrative services~~ shall
145 16 let all contracts under chapter ~~18 8A, article 3~~, for
145 17 authorized construction, repair, or improvement of
145 18 departmental buildings, grounds, or equipment.

145 19 5. A claim for payment relating to a project shall be
145 20 itemized on a voucher form pursuant to section ~~421.40~~ 8A.514,
145 21 certified by the claimant and the architect or engineer in
145 22 charge, and audited and approved by the department of ~~general~~
145 23 ~~administrative services~~. Upon approval by the department of
145 24 ~~general administrative services~~, the ~~voucher shall be~~
~~145 25 forwarded to the director of revenue and finance, who the~~
~~145 26 department of administrative services~~ shall draw a warrant to
145 27 be paid by the treasurer of state from funds appropriated for
145 28 the project. A partial payment made before completion of the
145 29 project does not constitute final acceptance of the work or a
145 30 waiver of any defect in the work.

145 31 Sec. 212. Section 218.85, Code 2003, is amended to read as
145 32 follows:

145 33 218.85 UNIFORM SYSTEM OF ACCOUNTS.

145 34 The director of human services through the administrators
145 35 in control of the institutions shall install in all the
146 1 institutions the most modern, complete, and uniform system of

146 2 accounts, records, and reports possible. The system shall be
146 3 prescribed by the director of ~~revenue and finance the~~
146 4 ~~department of administrative services~~ as authorized in section
146 5 ~~421.31~~ 8A.502, subsection ~~10~~ 13, and, among other matters,
146 6 shall clearly show the detailed facts relative to the handling
146 7 and uses of all purchases.

146 8 Sec. 213. Section 218.100, Code 2003, is amended to read
146 9 as follows:

146 10 218.100 CENTRAL WAREHOUSE AND SUPPLY DEPOT.

146 11 The department of human services shall establish a fund for
146 12 maintaining and operating a central warehouse as a supply
146 13 depot and distribution facility for surplus government
146 14 products, carload canned goods, paper products, other staples
146 15 and such other items as determined by the department. The
146 16 fund shall be permanent and shall be composed of the receipts
146 17 from the sales of merchandise, recovery of handling, operating
146 18 and delivery charges of such merchandise and from the funds
146 19 contributed by the institutions now in a contingent fund being
146 20 used for this purpose. All claims for purchases of
146 21 merchandise, operating and salary expenses shall be subject to
146 22 the provisions of sections 218.86 to ~~218.89~~ 218.88.

146 23 Sec. 214. Section 231.22, unnumbered paragraph 1, Code
146 24 2003, is amended to read as follows:

146 25 The governor, subject to confirmation by the senate, shall
146 26 appoint a director of the department of elder affairs who
146 27 shall, subject to chapter ~~19A~~ 8A, article 4, employ and direct
146 28 staff as necessary to carry out the powers and duties created
146 29 by this chapter. The director shall serve at the pleasure of
146 30 the governor. However, the director is subject to
146 31 reconfirmation by the senate as provided in section 2.32,
146 32 subsection 8. The governor shall set the salary for the
146 33 director within the range set by the general assembly.

146 34 Sec. 215. Section 231.58, subsection 4, paragraph d, Code
146 35 2003, is amended to read as follows:

147 1 d. Develop procedures for coordination at the local and
147 2 state level among the providers of long-term care, including
147 3 when possible co-campusing of services. The director of the
147 4 department of ~~general~~ administrative services shall give
147 5 particular attention to this section when arranging for office
147 6 space pursuant to section ~~18.12~~ 8A.321 for these three
147 7 departments.

147 8 Sec. 216. Section 234.8, Code 2003, is amended to read as
147 9 follows:

147 10 234.8 FEES FOR CHILD WELFARE SERVICES.

147 11 The department of human services may charge a fee for child
147 12 welfare services to a person liable for the cost of the
147 13 services. The fee shall not exceed the reasonable cost of the
147 14 services. The fee shall be based upon the person's ability to
147 15 pay and consideration of the fee's impact upon the liable
147 16 person's family and the goals identified in the case
147 17 permanency plan. The department may assess the liable person
147 18 for the fee and the means of recovery shall include a setoff
147 19 against an amount owed by a state agency to the person
147 20 assessed pursuant to section ~~421.17, subsection 29~~ 8A.504. In
147 21 addition the department may establish an administrative
147 22 process to recover the assessment through automatic income
147 23 withholding. The department shall adopt rules pursuant to
147 24 chapter 17A to implement the provisions of this section. This
147 25 section does not apply to court-ordered services provided to
147 26 juveniles which are a charge upon the state pursuant to
147 27 section 232.141 and services for which the department has
147 28 established a support obligation pursuant to section 234.39.

147 29 Sec. 217. Section 235A.15, subsection 5, Code 2003, is
147 30 amended to read as follows:

147 31 5. Access to disposition data subject to placement in the
147 32 central registry pursuant to section 232.71D is authorized to
147 33 the department of personnel or to the personnel office of a
147 34 public employer, as defined in section 20.3, as necessary for
147 35 presentation in grievance or arbitration procedures provided
148 1 for in sections ~~19A.14~~ 8A.415 and 20.18. Disposition data
148 2 introduced into a grievance or arbitration proceeding shall
148 3 not be considered a part of the public record of a case.

148 4 Sec. 218. Section 236.15B, unnumbered paragraph 5, Code
148 5 2003, is amended to read as follows:

148 6 The department of ~~revenue and finance~~ administrative
148 7 services shall consult the crime victim assistance board
148 8 concerning the adoption of rules to implement this section.
148 9 However, before a checkoff pursuant to this section shall be
148 10 permitted, all liabilities on the books of the department of
148 11 ~~revenue and finance~~ administrative services and accounts
148 12 identified as owing under section ~~421.17~~ 8A.504 and the

148 13 political contribution allowed under section 56.18 shall be
148 14 satisfied.

148 15 Sec. 219. Section 252B.5, subsection 4, Code 2003, is
148 16 amended to read as follows:

148 17 4. Assistance to set off against a debtor's income tax
148 18 refund or rebate any support debt, which is assigned to the
148 19 department of human services or which the child support
148 20 recovery unit is attempting to collect on behalf of any
148 21 individual not eligible as a public assistance recipient,
148 22 which has accrued through written contract, subrogation, or
148 23 court judgment, and which is in the form of a liquidated sum
148 24 due and owing for the care, support, or maintenance of a
148 25 child. Unless the periodic payment plan provisions for a
148 26 retroactive modification pursuant to section 598.21,
148 27 subsection 8, apply, the entire amount of a judgment for
148 28 accrued support, notwithstanding compliance with a periodic
148 29 payment plan or regardless of the date of entry of the
148 30 judgment, is due and owing as of the date of entry of the
148 31 judgment and is delinquent for the purposes of setoff,
148 32 including for setoff against a debtor's federal income tax
148 33 refund or other federal nontax payment. The department of
148 34 human services shall adopt rules pursuant to chapter 17A
148 35 necessary to assist the department of ~~revenue and finance~~
149 1 administrative services in the implementation of the child
149 2 support setoff as established under section ~~421.17, subsection~~
149 3 ~~21~~ 8A.504.

149 4 Sec. 220. Section 252B.5, subsection 8, Code 2003, is
149 5 amended to read as follows:

149 6 8. a. Assistance, in consultation with the department of
149 7 ~~revenue and finance administrative services~~, in identifying
149 8 and taking action against self-employed individuals as
149 9 identified by the following conditions:

149 10 (1) The individual owes support pursuant to a court or
149 11 administrative order being enforced by the unit and is
149 12 delinquent in an amount equal to or greater than the support
149 13 obligation amount assessed for one month.

149 14 (2) The individual has filed a state income tax return in
149 15 the preceding twelve months.

149 16 (3) The individual has no reported tax withholding amount
149 17 on the most recent state income tax return.

149 18 (4) The individual has failed to enter into or comply with
149 19 a formalized repayment plan with the unit.

149 20 (5) The individual has failed to make either all current
149 21 support payments in accordance with the court or
149 22 administrative order or to make payments against any
149 23 delinquency in each of the preceding twelve months.

149 24 b. Notwithstanding section 252B.9, the unit may forward
149 25 information to the department of ~~revenue and finance~~
149 26 administrative services as necessary to implement this
149 27 subsection, including but not limited to both of the
149 28 following:

149 29 (1) The name and social security number of the individual.

149 30 (2) Support obligation information in the specific case,
149 31 including the amount of the delinquency.

149 32 Sec. 221. Section 255.27, Code 2003, is amended to read as
149 33 follows:

149 34 255.27 FACULTY TO PREPARE BLANKS == PRINTING.

149 35 The medical faculty of the state university hospital shall
150 1 from time to time prepare blanks containing questions and
150 2 requiring information that it finds necessary and proper to be
150 3 obtained by the physician who examines a patient under order
150 4 of court. The blanks shall be printed by the state, and a
150 5 sufficient supply shall be furnished by the ~~state printing~~
150 6 ~~administrator~~ director of the department of administrative
150 7 services to the clerk of each juvenile court in the state.
150 8 The cost of printing the blanks shall be audited, allowed, and
150 9 paid in the same manner as other bills for public printing.

150 10 Sec. 222. Section 256.9, subsection 4, Code 2003, is
150 11 amended to read as follows:

150 12 4. Employ personnel and assign duties and responsibilities
150 13 of the department. The director shall appoint a deputy
150 14 director and division administrators deemed necessary. They
150 15 shall be appointed on the basis of their professional
150 16 qualifications, experience in administration, and background.
150 17 Members of the professional staff are not subject to the merit
150 18 system provisions of chapter ~~19A~~ 8A, article 4, and are
150 19 subject to section 256.10.

150 20 Sec. 223. Section 256.52, subsection 3, paragraph d, Code
150 21 2003, is amended to read as follows:

150 22 d. Appoint and approve the technical, professional,
150 23 excepting the medical librarian and the law librarian,

150 24 secretarial, and clerical staff necessary to accomplish the
150 25 purposes of the division subject to chapter ~~19A~~ 8A, article 4.
150 26 Sec. 224. Section 256.54, subsection 1, unnumbered
150 27 paragraph 1, Code 2003, is amended to read as follows:
150 28 The medical library shall be administered by a medical
150 29 librarian, appointed by the director subject to chapter ~~19A~~
150 30 8A, article 4, who shall do all of the following:
150 31 Sec. 225. Section 256.54, subsection 2, unnumbered
150 32 paragraph 1, Code 2003, is amended to read as follows:
150 33 The law library shall be administered by a law librarian
150 34 appointed by the director subject to chapter ~~19A~~ 8A, article
150 35 4, who shall do all of the following:
151 1 Sec. 226. Section 257C.6, subsection 11, Code 2003, is
151 2 amended to read as follows:
151 3 11. The authority is exempt from chapter ~~18~~ 8A, article 3.
151 4 Sec. 227. Section 260C.19B, Code 2003, is amended to read
151 5 as follows:
151 6 260C.19B PURCHASE OF BIO=BASED HYDRAULIC FLUIDS, GREASES,
151 7 AND OTHER INDUSTRIAL LUBRICANTS.
151 8 Hydraulic fluids, greases, and other industrial lubricants
151 9 purchased by or used under the direction of the board of
151 10 directors to provide services to a merged area shall be
151 11 purchased in compliance with the preference requirements for
151 12 purchasing bio-based hydraulic fluids, greases, and other
151 13 industrial lubricants as provided pursuant to section ~~18-22~~
151 14 8A.316.
151 15 Sec. 228. Section 261.37, subsection 7, Code 2003, is
151 16 amended to read as follows:
151 17 7. To establish an effective system for the collection of
151 18 delinquent loans, including the adoption of an agreement with
151 19 the ~~Iowa~~ department of ~~revenue and finance~~ administrative
151 20 services to set off against a defaulter's income tax refund or
151 21 rebate the amount that is due because of a default on a
151 22 guaranteed or parental loan made under this division. The
151 23 commission shall adopt rules under chapter 17A necessary to
151 24 assist the department of ~~revenue and finance~~ administrative
151 25 services in the implementation of the student loan setoff
151 26 program as established under section ~~421.17, subsection 23~~
151 27 8A.504.
151 28 Sec. 229. Section 261A.6, subsection 10, Code 2003, is
151 29 amended to read as follows:
151 30 10. All employees of the authority are exempt from
151 31 ~~chapters 19A~~ chapter 8A, article 4, and chapter 97B.
151 32 Sec. 230. Section 262.9, subsection 6, Code 2003, is
151 33 amended to read as follows:
151 34 6. Purchase and use recycled printing and writing paper,
151 35 with the exception of specialized paper when no recyclable
152 1 product is available, in accordance with the schedule
152 2 established in section ~~18-18~~ 8A.315; establish a wastepaper
152 3 recycling program for all institutions governed by the board
152 4 in accordance with recommendations made by the department of
152 5 natural resources and the requirements of section ~~18-20~~
152 6 8A.329; shall, in accordance with the requirements of section
152 7 ~~18-6~~ 8A.311, require product content statements and compliance
152 8 with requirements regarding procurement specifications; and
152 9 shall comply with the requirements for the purchase of
152 10 lubricating oils and industrial oils as established pursuant
152 11 to section ~~18-22~~ 8A.316.
152 12 Sec. 231. Section 262.25A, subsection 1, Code 2003, is
152 13 amended to read as follows:
152 14 1. Institutions under the control of the state board of
152 15 regents shall purchase only new automobiles which have at
152 16 least the fuel economy required for purchase of new
152 17 automobiles by the ~~state fleet administrator~~ director of the
152 18 department of administrative services under section ~~18-115~~
152 19 8A.362, subsection 4. This subsection does not apply to
152 20 automobiles purchased for law enforcement purposes.
152 21 Sec. 232. Section 262.25B, Code 2003, is amended to read
152 22 as follows:
152 23 262.25B PURCHASE OF BIO=BASED HYDRAULIC FLUIDS, GREASES,
152 24 AND OTHER INDUSTRIAL LUBRICANTS.
152 25 The state board of regents and institutions under the
152 26 control of the board purchasing hydraulic fluids, greases, and
152 27 other industrial lubricants shall give preference to
152 28 purchasing bio-based hydraulic fluids, greases, and other
152 29 industrial lubricants as provided in section ~~18-22~~ 8A.316.
152 30 Sec. 233. Section 272C.7, subsection 1, Code 2003, is
152 31 amended to read as follows:
152 32 1. As an alternative to authority contained elsewhere in
152 33 this chapter, a licensing board may employ within the limits
152 34 of available funds an executive secretary, one or more

152 35 inspectors, and such clerical personnel as may be necessary
153 1 for the administration of the duties of the board. Employees
153 2 of the board shall be employed subject to chapter ~~19A 8A,~~
153 3 article 4. The qualifications of the executive secretary
153 4 shall be determined by the board.
153 5 Sec. 234. Section 298.14, Code 2003, is amended to read as
153 6 follows:
153 7 298.14 SCHOOL DISTRICT INCOME SURTAXES.
153 8 For each fiscal year, the cumulative total of the percents
153 9 of surtax approved by the board of directors of a school
153 10 district and collected by the department of revenue ~~and~~
153 11 ~~finance~~ under sections 257.21, 257.29, and 298.2, and the
153 12 enrichment surtax under section 442.15, Code 1989, and an
153 13 income surtax collected by a political subdivision under
153 14 chapter 422D, shall not exceed twenty percent.
153 15 A school district income surtax fund is created in the
153 16 office of treasurer of state. Income surtaxes collected by
153 17 the department of revenue ~~and finance~~ under sections 257.21,
153 18 257.29, and 298.2 and section 442.15, Code 1989, shall be
153 19 deposited in the school district income surtax fund to the
153 20 credit of each school district. A separate accounting of each
153 21 surtax, by school district, shall be maintained.
153 22 The director of ~~revenue and finance~~ the department of
153 23 administrative services shall draw warrants in payment of the
153 24 surtaxes collected in each school district. Warrants shall be
153 25 payable in two installments to be paid on approximately the
153 26 first day of December and the first day of February following
153 27 collection of the taxes and shall be delivered to the
153 28 respective school districts.
153 29 Sec. 235. Section 303.1A, subsection 5, Code 2003, is
153 30 amended to read as follows:
153 31 5. Appoint and approve the technical, professional,
153 32 secretarial, and clerical staff necessary to accomplish the
153 33 purposes of the department subject to chapter ~~19A 8A,~~ article
153 34 4.
153 35 Sec. 236. Section 303.2, subsection 2, paragraph i, Code
154 1 2003, is amended to read as follows:
154 2 i. Buy or receive by other means historical materials
154 3 including, but not limited to, artifacts, art, books,
154 4 manuscripts, and images. Such materials are not personal
154 5 property under ~~section 18.12~~ sections 8A.321 and 8A.324 and
154 6 shall be received and cared for under the rules of the
154 7 department. The historical division may sell or otherwise
154 8 dispose of those materials according to the rules of the
154 9 department and be credited for any revenues credited by the
154 10 disposal less the costs incurred.
154 11 Sec. 237. Section 303.9, subsection 2, Code 2003, is
154 12 amended to read as follows:
154 13 2. The department may sell mementos and other items
154 14 relating to Iowa history and historic sites on the premises of
154 15 property under control of the department and at the state
154 16 capitol. Notwithstanding sections ~~18.12~~ 8A.321 and ~~18.16~~
154 17 8A.327, the department may directly and independently enter
154 18 into rental and lease agreements with private vendors for the
154 19 purpose of selling mementos. All fees and income produced by
154 20 the sales and rental or lease agreements shall be credited to
154 21 the account of the department. The mementos and other items
154 22 sold by the department or vendors under this subsection are
154 23 exempt from section ~~18.6~~ 8A.311. The department is not a
154 24 retailer under chapter 422 and the sale of such mementos and
154 25 other items by the department is not a retail sale under
154 26 chapter 422 and is exempt from the sales tax.
154 27 Sec. 238. Section 304.3, subsections 8 and 9, Code 2003,
154 28 are amended to read as follows:
154 29 8. The director of the department of ~~general~~
154 30 administrative services.
154 31 ~~9. The director of the information technology department.~~
154 32 Sec. 239. Section 307.12, subsection 2, Code 2003, is
154 33 amended to read as follows:
154 34 2. Employ personnel as necessary to carry out the duties
154 35 and responsibilities of the department, consistent with
155 1 chapter ~~19A 8A,~~ article 4.
155 2 Sec. 240. Section 307.12, unnumbered paragraph 2, Code
155 3 2003, is amended to read as follows:
155 4 If in the interest of the state, the director may allow a
155 5 subsistence expense to an employee under the supervision of
155 6 the department's administrator for highways for continuous
155 7 stay in one location while on duty away from established head-
155 8 quarters and place of domicile for a period not to exceed
155 9 forty=five days; and allow automobile expenses in accordance
155 10 with section ~~18.117~~ 8A.363, for moving an employee and the

155 11 employee's family from place of present domicile to new
155 12 domicile, and actual transportation expense for moving of
155 13 household goods. The household goods for which transportation
155 14 expense is allowed shall not include pets or animals.

155 15 Sec. 241. Section 307.21, subsection 4, paragraphs a and
155 16 b, Code 2003, are amended to read as follows:

155 17 a. Provide centralized purchasing services for the
155 18 department, in cooperation with the department of ~~general~~
155 19 ~~administrative~~ services. The administrator shall, when the
155 20 price is reasonably competitive and the quality as intended,
155 21 purchase soybean-based inks and plastic products with recycled
155 22 content, including but not limited to plastic garbage can
155 23 liners, and shall purchase these items in accordance with the
155 24 schedule established in section ~~18.18~~ 8A.315. However, the
155 25 administrator need not purchase garbage can liners in
155 26 accordance with the schedule if the liners are utilized by a
155 27 facility approved by the environmental protection commission
155 28 created under section 455A.6, for purposes of recycling. For
155 29 purposes of this subsection, "recycled content" means that the
155 30 content of the product contains a minimum of thirty percent
155 31 postconsumer material.

155 32 b. The administrator shall do all of the following:

155 33 (1) Purchase and use recycled printing and writing paper
155 34 in accordance with the schedule established in section ~~18.18~~
155 35 8A.315.

156 1 (2) Establish a wastepaper recycling program by ~~January 1,~~
~~156 2 1990,~~ in accordance with recommendations made by the
156 3 department of natural resources and the requirements of
156 4 section ~~18.20~~ 8A.329.

156 5 (3) Require in accordance with section ~~18.6~~ 8A.311 product
156 6 content statements and compliance with requirements regarding
156 7 procurement specifications.

156 8 (4) Comply with the requirements for the purchase of
156 9 lubricating oils, industrial oils, greases, and hydraulic
156 10 fluids as established pursuant to section ~~18.22~~ 8A.316.

156 11 Sec. 242. Section 307.21, unnumbered paragraph 2, Code
156 12 2003, is amended to read as follows:

156 13 The administrator of administrative services may purchase
156 14 items from the department of ~~general~~ administrative services
156 15 and may cooperate with the director of ~~general~~ the department
~~156 16 of administrative~~ services by providing ~~centralized~~ purchasing
156 17 services for the department of ~~general~~ administrative
156 18 services.

156 19 Sec. 243. Section 313.4, subsection 3, Code 2003, is
156 20 amended to read as follows:

156 21 3. There is appropriated from funds appropriated to the
156 22 department which would otherwise revert to the primary road
156 23 fund pursuant to the provisions of the Act appropriating the
156 24 funds or chapter 8, an amount sufficient to pay the increase
156 25 in salaries, which increase is not otherwise provided for by
156 26 the general assembly in an appropriation bill, resulting from
156 27 the annual review of the merit pay plan as provided in
156 28 ~~subsection 2 of section 19A.9~~ 8A.413, subsection 2. The
156 29 appropriation herein provided shall be in effect from the
156 30 effective date of the revised pay plan to the end of the
156 31 fiscal biennium in which it becomes effective.

156 32 Sec. 244. Section 321.19, subsection 1, unnumbered
156 33 paragraph 2, Code 2003, is amended to read as follows:

156 34 The department shall furnish, on application, free of
156 35 charge, distinguishing plates for vehicles thus exempted,
157 1 which plates except plates on Iowa state patrol vehicles shall
157 2 bear the word "official" and the department shall keep a
157 3 separate record. Registration plates issued for Iowa state
157 4 patrol vehicles, except unmarked patrol vehicles, shall bear
157 5 two red stars on a yellow background, one before and one
157 6 following the registration number on the plate, which
157 7 registration number shall be the officer's badge number.
157 8 Registration plates issued for county sheriff's patrol
157 9 vehicles shall display one seven-pointed gold star followed by
157 10 the letter "S" and the call number of the vehicle. However,
157 11 the director of ~~general~~ the department of administrative
157 12 services or the director of transportation may order the
157 13 issuance of regular registration plates for any exempted
157 14 vehicle used by peace officers in the enforcement of the law,
157 15 persons enforcing chapter 124 and other laws relating to
157 16 controlled substances, persons in the department of justice,
157 17 the alcoholic beverages division of the department of
157 18 commerce, disease investigators of the Iowa department of
157 19 public health, the department of inspections and appeals, and
157 20 the department of revenue ~~and finance~~, who are regularly
157 21 assigned to conduct investigations which cannot reasonably be

157 22 conducted with a vehicle displaying "official" state
157 23 registration plates, persons in the lottery division of the
157 24 department of revenue and finance whose regularly assigned
157 25 duties relating to security or the carrying of lottery tickets
157 26 cannot reasonably be conducted with a vehicle displaying
157 27 "official" registration plates, and persons in the department
157 28 of economic development who are regularly assigned duties
157 29 relating to existing industry expansion or business
157 30 attraction. For purposes of sale of exempted vehicles, the
157 31 exempted governmental body, upon the sale of the exempted
157 32 vehicle, may issue for in-transit purposes a pasteboard card
157 33 bearing the words "Vehicle in Transit", the name of the
157 34 official body from which the vehicle was purchased, together
157 35 with the date of the purchase plainly marked in at least one=
158 1 inch letters, and other information required by the
158 2 department. The in-transit card is valid for use only within
158 3 forty-eight hours after the purchase date as indicated on the
158 4 bill of sale which shall be carried by the driver.

158 5 Sec. 245. Section 321.30, subsection 13, Code 2003, is
158 6 amended to read as follows:

158 7 13. The department or the county treasurer knows that an
158 8 applicant for renewal of a registration has a delinquent
158 9 account, charge, fee, loan, taxes, or other indebtedness owed
158 10 to or being collected by the state, from information received
158 11 pursuant to ~~section sections~~ 421.17 and 8A.504. An applicant
158 12 may contest this action by requesting a contested case
158 13 proceeding from the agency that referred the debt for
158 14 collection pursuant to section ~~421.17~~ 8A.504. This subsection
158 15 shall apply only to a renewal of registration and shall not
158 16 apply to the issuance of an original registration or to the
158 17 issuance of a certificate of title.

158 18 Sec. 246. Section 321.31, subsection 1, unnumbered
158 19 paragraph 3, Code 2003, is amended to read as follows:

158 20 The director shall maintain a records system of delinquent
158 21 accounts owed to the state using information provided through
158 22 the computerized data bank established in section 421.17. The
158 23 department and county treasurers shall use the information
158 24 maintained in the records system to determine if applicants
158 25 for renewal of registration have delinquent accounts, charges,
158 26 fees, loans, taxes, or other indebtedness owed to or being
158 27 collected by the state as provided pursuant to section ~~421.17~~
158 28 8A.504. ~~The director, the director of the department of~~
158 29 ~~administrative services,~~ and the director of revenue and

158 30 ~~finance~~ shall establish procedures for updating the delinquent
158 31 accounts records to add and remove accounts, as applicable.

158 32 Sec. 247. Section 321.35, unnumbered paragraph 2, Code
158 33 2003, is amended to read as follows:

158 34 The department shall not enter into any contract requiring
158 35 an expenditure of at least five hundred thousand dollars for
159 1 the manufacture of motor vehicle registration plates to be
159 2 reissued to owners under this chapter unless competitive
159 3 bidding procedures as provided in chapter ~~18~~ 8A, article 3,
159 4 are followed.

159 5 Sec. 248. Section 321.40, unnumbered paragraph 6, Code
159 6 2003, is amended to read as follows:

159 7 The county treasurer shall refuse to renew the registration
159 8 of a vehicle registered to the applicant if the county
159 9 treasurer knows that the applicant has a delinquent account,
159 10 charge, fee, loan, taxes, or other indebtedness owed to or
159 11 being collected by the state, from information provided
159 12 pursuant to ~~section sections~~ 8A.504 and 421.17. An applicant
159 13 may contest this action by requesting a contested case
159 14 proceeding from the agency that referred the debt for
159 15 collection pursuant to section ~~421.17~~ 8A.504.

159 16 Sec. 249. Section 321.149, Code 2003, is amended to read
159 17 as follows:

159 18 321.149 BLANKS.

159 19 The department shall not later than November 15 of each
159 20 year prepare and furnish the treasurer of each county all
159 21 blank books, blank forms, and all supplies required for the
159 22 administration of this chapter, including applications for
159 23 registration and transfer of vehicles, quintuple receipts, and
159 24 original remittance sheets to be used in remitting fees to the
159 25 department, in such form as the department may prescribe.
159 26 Contracts for the blank books, blank forms, and supplies shall
159 27 be awarded by the ~~state printing administrator~~ director of the
159 28 ~~department of administrative services~~ to persons, firms,
159 29 partnerships, or corporations engaged in the business of
159 30 printing in Iowa unless, or through them, the persons, firms,
159 31 partnerships or corporations cannot provide the required
159 32 printing set forth in this section. In lieu of purchasing

159 33 under competitive bids the ~~state printing administrator~~
159 34 director of the department of administrative services shall
159 35 have authority to arrange with the director of the department
160 1 of corrections to furnish the supplies as can be made in the
160 2 state institutions.

160 3 Sec. 250. Section 321.210B, Code 2003, is amended to read
160 4 as follows:
160 5 321.210B NONRENEWAL OR SUSPENSION FOR FAILURE TO PAY
160 6 INDEBTEDNESS OWED TO THE STATE.
160 7 The department shall suspend or refuse to renew the
160 8 driver's license of a person who has a delinquent account owed
160 9 to the state according to records provided by the department
160 10 of revenue ~~and finance~~ pursuant to section 421.17. A license
160 11 shall be suspended or shall not be renewed until such time as
160 12 the department of ~~revenue and finance~~ administrative services
160 13 notifies the state department of transportation that the
160 14 licensee has made arrangements for payment of the debt with
160 15 the agency which is owed or is collecting the debt. This
160 16 section is only applicable to those persons residing in a
160 17 county which is participating in the driver's license
160 18 indebtedness clearance pilot project.

160 19 Sec. 251. Section 331.502, subsection 3, Code 2003, is
160 20 amended by striking the subsection.

160 21 Sec. 252. Section 331.552, subsection 5, Code 2003, is
160 22 amended to read as follows:
160 23 5. Account for, report, and pay into the state treasury
160 24 any money, property, or securities received on behalf of the
160 25 state as provided in sections ~~421.32 8A.506~~ to ~~421.34 8A.508~~.
160 26 Sec. 253. Section 405A.10, Code 2003, is amended to read
160 27 as follows:
160 28 405A.10 FRANCHISE TAX REVENUE ALLOCATION.
160 29 For the fiscal year beginning July 1, 1997, and each
160 30 subsequent fiscal year, there is appropriated from the general
160 31 fund of the state to the department of revenue and finance the
160 32 sum of eight million eight hundred thousand dollars which
160 33 shall be paid quarterly on warrants by the director of the
160 34 department of administrative services as allocated pursuant to
160 35 section 422.65.

161 1 Sec. 254. Section 421.17, subsections 21, 23, 24, 25, 26,
161 2 28, 29, 30, and 33, Code 2003, are amended by striking the
161 3 subsections.

161 4 Sec. 255. Section 422.12A, subsection 2, Code 2003, is
161 5 amended to read as follows:
161 6 2. The director of revenue ~~and finance~~ shall draft the
161 7 income tax form to allow the designation of contributions to
161 8 the keep Iowa beautiful fund on the tax return. The
161 9 department of revenue ~~and finance~~, on or before January 31,
161 10 shall certify the total amount designated on the tax return
161 11 forms due in the preceding calendar year and shall report the
161 12 amount to the treasurer of state. The treasurer of state
161 13 shall credit the amount to the keep Iowa beautiful fund.
161 14 However, before a checkoff pursuant to this section shall be
161 15 permitted, all liabilities on the books of the department of
161 16 revenue ~~and finance~~ and accounts identified as owing under
161 17 section 421.17 and the political contribution allowed under
161 18 section 56.18 shall be satisfied.

161 19 Sec. 256. Section 422.20, subsection 3, unnumbered
161 20 paragraph 1, Code 2003, is amended to read as follows:
161 21 Unless otherwise expressly permitted by section 8A.504,
161 22 section 421.17, subsections ~~21, 22, 22A, 23, 25, 29,~~ and 32,
161 23 sections 252B.9, 421.19, 421.28, 422.72, and 452A.63, and this
161 24 section, a tax return, return information, or investigative or
161 25 audit information shall not be divulged to any person or
161 26 entity, other than the taxpayer, the department, or internal
161 27 revenue service for use in a matter unrelated to tax
161 28 administration.

161 29 Sec. 257. Section 422.72, subsection 3, unnumbered
161 30 paragraph 1, Code 2003, is amended to read as follows:
161 31 Unless otherwise expressly permitted by section 8A.504,
161 32 section 421.17, subsections ~~21, 22, 22A, 23, 25, 29,~~ and 32,
161 33 sections 252B.9, 421.19, 421.28, 422.20, and 452A.63, and this
161 34 section, a tax return, return information, or investigative or
161 35 audit information shall not be divulged to any person or
162 1 entity, other than the taxpayer, the department, or internal
162 2 revenue service for use in a matter unrelated to tax
162 3 administration.

162 4 Sec. 258. Section 425.1, subsection 1, Code 2003, is
162 5 amended to read as follows:
162 6 1. A homestead credit fund is created. There is
162 7 appropriated annually from the general fund of the state to
162 8 the department of revenue ~~and finance~~ to be credited to the

162 9 homestead credit fund, an amount sufficient to implement this
162 10 chapter.

162 11 The director of ~~revenue and finance~~ the department of
162 12 administrative services shall issue warrants on the homestead
162 13 credit fund payable to the county treasurers of the several
162 14 counties of the state under this chapter.

162 15 Sec. 259. Section 432.13, unnumbered paragraph 2, Code
162 16 2003, is amended to read as follows:

162 17 Premiums received for benefits acquired by the department
162 18 of ~~personnel~~ administrative services on behalf of state
162 19 employees pursuant to section ~~19A.1~~ 8A.402, subsection ~~2~~ 1,
162 20 are exempt from premium tax.

162 21 Sec. 260. Section 450.84, Code 2003, is amended to read as
162 22 follows:

162 23 450.84 COSTS CHARGED AGAINST ESTATE == EXCEPTIONS.

162 24 If an estate or interest in an estate passes so as to be
162 25 liable to taxation under this chapter, all costs of the
162 26 proceedings for the assessment of the tax are chargeable to
162 27 the estate as other costs in probate proceedings and, to
162 28 discharge the lien, all costs as well as the taxes must be
162 29 paid. In all other cases the costs are to be paid as ordered
162 30 by the court. When a decision adverse to the state has been
162 31 rendered, with an order that the state pay the costs, the
162 32 clerk of the court in which the action was pending shall
162 33 certify the amount of the costs to the director of revenue ~~and~~
162 34 ~~finance~~, who shall, if the costs are correctly certified and
162 35 the case has been finally terminated and the tax, if any is
163 1 due, has been paid, audit the claim and direct the department
163 2 of administrative services to issue a warrant on the treasurer
163 3 of state in payment of the costs.

163 4 Sec. 261. Section 452A.77, unnumbered paragraph 1, Code
163 5 2003, is amended to read as follows:

163 6 All fees, taxes, interest and penalties imposed under this
163 7 chapter must be paid to the department of revenue ~~and finance~~
163 8 or the state department of transportation, whichever is
163 9 responsible for the collection. The appropriate state agency
163 10 shall transmit each payment daily to the treasurer of state.
163 11 Such payments shall be deposited by the treasurer of state in
163 12 a fund, hereby created, within the state treasury which shall
163 13 be known as the "motor fuel tax fund," the net proceeds of
163 14 which fund, after deductions by lawful transfers and refunds,
163 15 shall be known as the "motor vehicle fuel tax fund". The
163 16 department of revenue ~~and finance~~ and the state department of
163 17 transportation shall certify monthly to the director of
163 18 ~~revenue and finance~~ the department of administrative services
163 19 amounts of refunds of tax approved during each month, and the
163 20 director of ~~revenue and finance~~ the department of
163 21 administrative services shall draw warrants in such amounts on
163 22 the motor fuel tax fund and transmit them. There is hereby
163 23 appropriated out of the money received under the provisions of
163 24 this chapter and deposited in the motor fuel tax fund
163 25 sufficient funds to pay such refunds as may be authorized in
163 26 this chapter.

163 27 Sec. 262. Section 455A.4, subsection 1, paragraph e, Code
163 28 2003, is amended to read as follows:

163 29 e. Employ personnel as necessary to carry out the
163 30 functions vested in the department consistent with chapter ~~19A~~
163 31 8A, article 4, unless the positions are exempt from that
163 32 ~~chapter article~~.

163 33 Sec. 263. Section 455G.3, subsection 5, Code 2003, is
163 34 amended to read as follows:

163 35 5. For purposes of payment of refunds of the environmental
164 1 protection charge under section 424.15 by the department of
164 2 revenue ~~and finance~~, the treasurer of state shall allocate to
164 3 the department of ~~revenue and finance~~ administrative services
164 4 the total amount budgeted by the fund's board for
164 5 environmental protection charge refunds. Any unused funds
164 6 shall be remitted to the treasurer of state.

164 7 Sec. 264. Section 459.505, subsection 2, paragraph b, Code
164 8 2003, is amended to read as follows:

164 9 b. Obtain a lower fixed amount bid for the work from
164 10 another qualified person, other than a governmental entity,
164 11 and pay the amount of the claim required in this section,
164 12 based on the fixed amount in this bid upon completion of the
164 13 work. The department is not required to comply with section
164 14 ~~18.6~~ 8A.311 in implementing this section.

164 15 Sec. 265. Section 474.1, unnumbered paragraph 2, Code
164 16 2003, is amended to read as follows:

164 17 The utilities board shall organize by appointing an
164 18 executive secretary, who shall take the same oath as the
164 19 members. The board shall set the salary of the executive

164 20 secretary within the limits of the pay plan for exempt
164 21 positions provided for in section ~~19A.9~~ 8A.413, subsection 2,
164 22 unless otherwise provided by the general assembly. The board
164 23 may employ additional personnel as it finds necessary.
164 24 Subject to confirmation by the senate, the governor shall
164 25 appoint a member as the chairperson of the board. The
164 26 chairperson shall be the administrator of the utilities
164 27 division. The appointment as chairperson shall be for a two=
164 28 year term which begins and ends as provided in section 69.19.
164 29 Sec. 266. Section 474.10, Code 2003, is amended to read as
164 30 follows:

164 31 474.10 GENERAL COUNSEL.

164 32 The board shall employ a competent attorney to serve as its
164 33 general counsel, and assistants to the general counsel as it
164 34 finds necessary for the full and efficient discharge of its
164 35 duties. The general counsel is the attorney for, and legal
165 1 advisor of, the board and is exempt from the merit system
165 2 provisions of chapter ~~19A~~ 8A, article 4. Assistants to the
165 3 general counsel are subject to the merit system provisions of
165 4 chapter ~~19A~~ 8A, article 4. The general counsel or an
165 5 assistant to the general counsel shall provide the necessary
165 6 legal advice to the board in all matters and represent the
165 7 board in all actions instituted in a state or federal court
165 8 challenging the validity of a rule or order of the board. The
165 9 existence of a fact which disqualifies a person from election
165 10 or from acting as a utilities board member disqualifies the
165 11 person from employment as general counsel or assistant general
165 12 counsel. The general counsel shall devote full time to the
165 13 duties of the office. During employment the counsel shall not
165 14 be a member of a political committee, contribute to a
165 15 political campaign fund other than through the income tax
165 16 checkoff for contributions to the Iowa election campaign fund
165 17 and the presidential election campaign fund, participate in a
165 18 political campaign, or be a candidate for a political office.

165 19 Sec. 267. Section 475A.3, subsection 2, Code 2003, is
165 20 amended to read as follows:

165 21 2. EMPLOYEES. The consumer advocate may employ attorneys,
165 22 legal assistants, secretaries, clerks, and other employees the
165 23 consumer advocate finds necessary for the full and efficient
165 24 discharge of the duties and responsibilities of the office.
165 25 The consumer advocate may employ consultants as expert
165 26 witnesses or technical advisors pursuant to contract as the
165 27 consumer advocate finds necessary for the full and efficient
165 28 discharge of the duties of the office. Employees of the
165 29 consumer advocate division, other than the consumer advocate,
165 30 are subject to merit employment, except as provided in section
165 31 ~~19A.3~~ 8A.412.

165 32 Sec. 268. Section 502.601, subsection 1, Code 2003, is
165 33 amended to read as follows:

165 34 1. This chapter shall be administered by the commissioner
165 35 of insurance of the state of Iowa. The administrator shall
166 1 appoint a deputy administrator who shall be exempt from the
166 2 merit system provided for in chapter ~~19A~~ 8A, article 4. The
166 3 deputy administrator is the principal operations officer of
166 4 the securities bureau and is responsible to the administrator
166 5 for the routine administration of the chapter and the
166 6 management of the securities bureau. In the absence of the
166 7 administrator, whether because of vacancy in the office, by
166 8 reason of absence, physical disability, or other cause, the
166 9 deputy administrator shall be the acting administrator and
166 10 shall, for the time being, have and exercise the authority
166 11 conferred upon the administrator. The administrator may by
166 12 order from time to time delegate to the deputy administrator
166 13 any or all of the functions assigned to the administrator in
166 14 this chapter. The administrator shall employ officers,
166 15 attorneys, accountants, and other employees as needed for the
166 16 administration of the chapter.

166 17 Sec. 269. Section 505.4, unnumbered paragraph 2, Code
166 18 2003, is amended to read as follows:

166 19 The commissioner may appoint a deputy commissioner for
166 20 supervision whom the commissioner may appoint as supervisory
166 21 or special deputy pursuant to chapter 507C and who shall
166 22 perform such other duties as may be assigned by the
166 23 commissioner. The deputy commissioner for supervision shall
166 24 receive a salary to be fixed by the commissioner. The deputy
166 25 commissioner for supervision shall be ~~an exempt employee from~~
166 26 the merit system provisions of chapter 8A, article 4, under
166 27 section ~~19A.3~~ 8A.412, subsection 17.

166 28 Sec. 270. Section 507.5, Code 2003, is amended to read as
166 29 follows:

166 30 507.5 CHIEF EXAMINER.

166 31 The commissioner may appoint a chief examiner who shall
166 32 supervise insurance company examinations and perform such
166 33 other duties as may be assigned by the commissioner. The
166 34 chief examiner shall receive a salary to be fixed by the
166 35 commissioner. The chief examiner shall be ~~an exempt employee~~
167 1 ~~from the merit system provisions of chapter 8A, article 4,~~
167 2 ~~under section 19A.3 8A.412, subsection 17.~~

167 3 Sec. 271. Section 602.1204, subsection 3, Code 2003, is
167 4 amended to read as follows:

167 5 3. The supreme court shall compile and publish all
167 6 procedures and directives relating to the supervision and
167 7 administration of the internal affairs of the judicial branch,
167 8 and shall distribute a copy of the compilation and all
167 9 amendments to each operating component of the judicial branch.
167 10 ~~Copies also shall be distributed to agencies referred to in~~
167 11 ~~section 18.97 upon request.~~

167 12 Sec. 272. Section 602.8102, subsection 58A, Code 2003, is
167 13 amended to read as follows:

167 14 58A. Assist the department of ~~revenue and finance~~
167 15 ~~administrative services~~ in setting off against debtors' income
167 16 tax refunds or rebates under section ~~421.17, subsection 25~~
167 17 ~~8A.504~~, debts which are due, owing, and payable to the clerk
167 18 of the district court as criminal fines, civil penalties,
167 19 surcharges, or court costs.

167 20 Sec. 273. Section 602.8107, subsection 4, unnumbered
167 21 paragraph 2, Code 2003, is amended to read as follows:

167 22 This subsection does not apply to amounts collected for
167 23 victim restitution, the victim compensation fund, criminal
167 24 penalty surcharge, law enforcement initiative surcharge,
167 25 amounts collected as a result of procedures initiated under
167 26 subsection 5 or under section ~~421.17, subsection 25~~ ~~8A.504~~, or
167 27 sheriff's room and board fees.

167 28 Sec. 274. Section 618.11, Code 2003, is amended to read as
167 29 follows:

167 30 618.11 FEES FOR PUBLICATION.

167 31 The compensation, when not otherwise fixed, for the
167 32 publication in a newspaper of any notice, order, citation, or
167 33 other publication required or allowed by law shall be at a
167 34 rate of thirty-four cents for one insertion and twenty-three
167 35 cents for each subsequent insertion for each line of eight
168 1 point type two inches in length, or its equivalent. Beginning
168 2 June 1, 2001, and each June 1 thereafter, the ~~state printing~~
168 3 ~~administrator~~ ~~director of the department of administrative~~
168 4 ~~services~~ shall calculate a new rate for the following fiscal
168 5 year as prescribed in this section, and shall publish this
168 6 rate as a notice in the Iowa administrative bulletin prior to
168 7 the first day of the following calendar month. The new rate
168 8 shall be effective on the first day of the calendar month
168 9 following its publication. The rate shall be calculated by
168 10 applying the percentage change in the consumer price index for
168 11 all urban consumers for the last available twelve-month period
168 12 published in the federal register by the federal department of
168 13 labor, bureau of labor statistics, to the existing rate as an
168 14 increase or decrease in the rate rounded to the nearest one=
168 15 tenth of a cent. The calculation and publication of the rate
168 16 by the ~~state printing administrator~~ ~~director of the department~~
168 17 ~~of administrative services~~ shall be exempt from the provisions
168 18 of chapters 17A and 25B.

168 19 Sec. 275. Section 625.29, subsection 1, paragraph g, Code
168 20 2003, is amended to read as follows:

168 21 g. The proceeding involved the department of ~~personnel~~
168 22 ~~under administrative services under chapter 19A 8A, article 4.~~

168 23 Sec. 276. Section 691.1, Code 2003, is amended to read as
168 24 follows:

168 25 691.1 LABORATORY CREATED.

168 26 There is hereby created under the control, direction and
168 27 supervision of the commissioner of public safety a state
168 28 criminalistics laboratory. The commissioner of public safety
168 29 may assign the criminalistics laboratory to a division or
168 30 bureau within the public safety department. The laboratory
168 31 shall, within its capabilities, conduct analyses, comparative
168 32 studies, fingerprint identification, firearms identification,
168 33 questioned documents studies, and other studies normally
168 34 performed by a criminalistics laboratory when requested by a
168 35 county attorney, medical examiner, or law enforcement agency
169 1 of this state to aid in any criminal investigation. Agents of
169 2 the division of criminal investigation and bureau of
169 3 identification may be assigned to the criminalistics
169 4 laboratory by the commissioner. New employees shall be
169 5 appointed pursuant to chapter ~~19A 8A, article 4~~, and need not
169 6 qualify as agents for the division of criminal investigation

169 7 and bureau of identification, and shall not participate in the
169 8 peace officers' retirement plan established pursuant to
169 9 chapter 97A.

169 10 Sec. 277. Section 809A.17, subsection 4, Code 2003, is
169 11 amended to read as follows:

169 12 4. Forfeited property which is not used by the department
169 13 of justice in the enforcement of the law may be requisitioned
169 14 by the department of public safety or any law enforcement
169 15 agency within the state for use in enforcing the criminal laws
169 16 of this state. Forfeited property not requisitioned may be
169 17 delivered to the director of the department of general
169 18 services to be disposed of in the same manner as property
169 19 received pursuant to section ~~18.15~~ 8A.325.

169 20 Sec. 278. Section 904.108, subsection 1, paragraph e, Code
169 21 2003, is amended to read as follows:

169 22 e. Employ, assign, and reassign personnel as necessary for
169 23 the performance of duties and responsibilities assigned to the
169 24 department. Employees shall be selected on the basis of
169 25 fitness for work to be performed with due regard to training
169 26 and experience and are subject to chapter ~~19A~~ 8A, article 4.

169 27 Sec. 279. Section 904.108, subsection 3, Code 2003, is
169 28 amended to read as follows:

169 29 3. The director may establish a sales bonus system for the
169 30 sales representatives for prison industry products. If a
169 31 sales bonus system is established, the system shall not affect
169 32 the status of the sales representatives under chapter ~~19A~~ 8A,
169 33 article 4.

169 34 Sec. 280. Section 904.303, unnumbered paragraph 1, Code
169 35 2003, is amended to read as follows:

170 1 The director shall determine the number and compensation of
170 2 subordinate officers and employees for each institution
170 3 subject to chapter ~~19A~~ 8A, article 4. Subject to this
170 4 chapter, the officers and employees shall be appointed and
170 5 discharged by the superintendent who shall keep in the record
170 6 of each subordinate officer and employee, the date of
170 7 employment, the compensation, and the date of and the reasons
170 8 for each discharge.

170 9 Sec. 281. Section 904.312B, Code 2003, is amended to read
170 10 as follows:

170 11 904.312B PURCHASE OF BIO=BASED HYDRAULIC FLUIDS, GREASES,
170 12 AND OTHER INDUSTRIAL LUBRICANTS.

170 13 The department when purchasing hydraulic fluids, greases,
170 14 and other industrial lubricants shall give preference to
170 15 purchasing bio-based hydraulic fluids, greases, and other
170 16 industrial lubricants as provided in section ~~18.22~~ 8A.316.

170 17 Sec. 282. Section 904.315, unnumbered paragraph 1, Code
170 18 2003, is amended to read as follows:

170 19 The director of the department of ~~general~~ administrative
170 20 services shall, in writing, let all contracts for authorized
170 21 improvements costing in excess of twenty-five thousand dollars
170 22 under chapter ~~18~~ 8A, article 3. Upon prior authorization by
170 23 the director, improvements costing five thousand dollars or
170 24 less may be made by the superintendent of any institution.

170 25 Sec. 283. Section 904.706, unnumbered paragraph 1, Code
170 26 2003, is amended to read as follows:

170 27 A revolving farm fund is created in the state treasury in
170 28 which the department shall deposit receipts from agricultural
170 29 products, nursery stock, agricultural land rentals, and the
170 30 sale of livestock. However, before any agricultural operation
170 31 is phased out, the department which proposes to discontinue
170 32 this operation shall notify the governor, chairpersons and
170 33 ranking members of the house and senate appropriations
170 34 committees, and cochairpersons and ranking members of the
170 35 subcommittee in the senate and house of representatives which
171 1 has handled the appropriation for this department in the past
171 2 session of the general assembly. Before the department sells
171 3 farmland under the control of the department, the director
171 4 shall notify the governor, chairpersons and ranking members of
171 5 the house and senate appropriations committees, and
171 6 cochairpersons and ranking members of the joint appropriations
171 7 subcommittee that handled the appropriation for the department
171 8 during the past session of the general assembly. The
171 9 department may pay from the fund for the operation,
171 10 maintenance, and improvement of farms and agricultural or
171 11 nursery property under the control of the department. A
171 12 purchase order for five thousand dollars or less payable from
171 13 the fund is exempt from the general purchasing requirements of
171 14 chapter ~~18~~ 8A, article 3. Notwithstanding section 8.33,
171 15 unencumbered or unobligated receipts in the revolving farm
171 16 fund at the end of a fiscal year shall not revert to the
171 17 general fund of the state.

171 18 Sec. 284. Section 904.808, subsection 1, paragraph b, Code
171 19 2003, is amended to read as follows:

171 20 b. When the state director releases, in writing, the
171 21 obligation of the department or agency to purchase the product
171 22 from Iowa state industries, after determining that Iowa state
171 23 industries is unable to meet the performance characteristics
171 24 of the purchase request for the product, and a copy of the
171 25 release is attached to the request to the director of ~~revenue~~
~~171 26 and finance the department of administrative services~~ for
171 27 payment for a similar product, or when Iowa state industries
171 28 is unable to furnish needed products, comparable in both
171 29 quality and price to those available from alternative sources,
171 30 within a reasonable length of time. Any disputes arising
171 31 between a purchasing department or agency and Iowa state
171 32 industries regarding similarity of products, or comparability
171 33 of quality or price, or the availability of the product, shall
171 34 be referred to the director of the department of ~~general~~
171 35 ~~administrative~~ services, whose decision shall be subject to
172 1 appeal as provided in section ~~18.7~~ 8A.313. However, if the
172 2 purchasing department is the department of ~~general~~
172 3 ~~administrative~~ services, any matter which would be referred to
172 4 the director under this paragraph shall be referred to the
172 5 executive council in the same manner as if the matter were to
172 6 be heard by the director of the department of ~~general~~
172 7 ~~administrative~~ services. The decision of the executive
172 8 council is final.

172 9 Sec. 285. Section 904A.4B, subsection 3, Code 2003, is
172 10 amended to read as follows:

172 11 3. Hire and supervise all of the board's staff pursuant to
172 12 the provisions of chapter ~~19A~~ 8A, article 4.

172 13 Sec. 286. AMENDMENTS CHANGING TERMINOLOGY == DIRECTIVE TO
172 14 CODE EDITOR. Except as otherwise provided in this Act:

172 15 1. a. The Iowa Code editor is directed to strike the
172 16 words "information technology department" and insert the words
172 17 "department of administrative services" wherever the words
172 18 "information technology department" appear in the Iowa Code
172 19 unless a contrary intent is clearly evident.

172 20 b. The Iowa Code editor is directed to strike the words
172 21 "director of the information technology department" or
172 22 "information technology department director" and insert the
172 23 words "director of the department of administrative services"
172 24 wherever the words "director of the information technology
172 25 department" or "information technology department director"
172 26 appear in the Iowa Code unless a contrary intent is clearly
172 27 evident.

172 28 2. a. The Iowa Code editor is directed to strike the
172 29 words "department of general services" and insert the words
172 30 "department of administrative services" wherever the words
172 31 "department of general services" appear in the Iowa Code
172 32 unless a contrary intent is clearly evident.

172 33 b. The Iowa Code editor is directed to strike the words
172 34 "director of the department of general services" or "general
172 35 services department director" and insert the words "director
173 1 of the department of administrative services" wherever the
173 2 words "director of the department of general services" or
173 3 "general services department director" appear in the Iowa Code
173 4 unless a contrary intent is clearly evident.

173 5 3. a. The Iowa Code editor is directed to strike the
173 6 words "department of personnel" and insert the words
173 7 "department of administrative services" wherever the words
173 8 "department of personnel" appear in the Iowa Code unless a
173 9 contrary intent is clearly evident.

173 10 b. The Iowa Code editor is directed to strike the words
173 11 "director of the department of personnel" or "personnel
173 12 department director" and insert the words "director of the
173 13 department of administrative services" wherever the words
173 14 "director of the department of personnel" or "personnel
173 15 department director" appear in the Iowa Code unless a contrary
173 16 intent is clearly evident.

173 17 4. a. Sections 1.15, 2.10, subsection 4, 2.12, 2.13,
173 18 2B.10, subsection 4, 7.13, 7D.13, 7D.14, 8.35A, 11.20, 12.3,
173 19 12.4, 12.5, 12.6, 12.8, 12.15, 12.26, 12B.16, 12B.17, 12B.18,
173 20 15.354, 15E.112, 15E.117, 16.31, 17A.4, 25.2, 29C.14, 35.10,
173 21 49A.9, 53.50, 56.3A, 56.22, 56.23, 74.9, 96.7, subsection 7,
173 22 96.9, 96.14, 97.51, 97A.8, 97A.11, 97B.7, 97B.33, 100B.11,
173 23 123.53, 152.3, 159.21, 159.23, 159A.7, 161.7, 161C.5,
173 24 169A.13A, 175.22, subsection 3, 179.5, 186.5, 218.50, 218.57,
173 25 218.86, 218.87, 225.22, 225.23, 225.28, 225.30, 225C.12,
173 26 227.7, 229.35, 233B.14, 234.6, 249.8, 251.5, 255.24, 255.26,
173 27 257B.11, 257B.18, 257B.35, 257B.37, 257B.39, 257B.40, 257B.42,
173 28 257C.9, subsection 3, 261.4, 262.22, 262.29, 270.5, 270.6,

173 29 270.7, 272.11, 272C.7, 298.11, 304A.29, 310.7, 313.18, 313.19,
173 30 313.20, 313.28, 314.3, 315.7, 324A.5, 331.555, 452A.72,
173 31 455B.107, 455B.183A, 455B.246, 456A.19, 456A.21, 459.401,
173 32 459.501, 460.303, 473.11, 504A.63, 515.129, 518B.2, 518B.5,
173 33 524.209, 533.62, 534.403, 546.10, 568.16, 568.20, 568.24,
173 34 569.4, 602.1304, 602.9109, 641.5, 663.44, 679B.7, 820.24, and
173 35 904.311, Code 2003, are amended by striking from the
174 1 applicable section or subsection the words "director of
174 2 revenue and finance" and inserting in lieu thereof the
174 3 following: "director of the department of administrative
174 4 services".

174 5 b. Sections 2.49, subsection 5, 8.34, 8.61, 8D.13,
174 6 subsection 11, 11.28, 12.6, 12.14, 12.28, 12B.2, 12B.17,
174 7 16.31, 16A.13, 22.7, subsection 32, 25.6, 74.9, 100B.11,
174 8 175.22, 179.5, 181.13, 183A.7, 184.13, 184A.4, 185.26,
174 9 185C.26, 252B.22, 255.24A, 256.12, 256.19, 256.20, 256D.4,
174 10 257.32, 257B.1B, 257C.9, subsection 4, 260C.18B, subsection 4,
174 11 260C.24, 282.28, 282.31, 283.1, 285.2, 294A.6, 294A.9,
174 12 294A.22, 303.14, 313.7, 405A.9, 455G.5, 541A.3, 541A.5,
174 13 602.8102, subsection 4, 602.9104, 633.545, 804.28, and
174 14 904.507A, Code 2003, are amended by striking from the sections
174 15 the words "department of revenue and finance" and inserting in
174 16 lieu thereof the following: "department of administrative
174 17 services".

174 18 c. Except as otherwise provided in this Act, the Iowa Code
174 19 editor is directed to strike the words "revenue and finance"
174 20 and insert the word "revenue" wherever the words "revenue and
174 21 finance" appear in the Iowa Code and the reference to "revenue
174 22 and finance" means the department of revenue and finance or
174 23 the director of revenue and finance unless a contrary intent
174 24 is clearly evident.

174 25 5. a. Except as otherwise provided in this Act, the Iowa
174 26 Code editor is directed to strike the words "division" and
174 27 "division's" and insert the words "system" and "system's"
174 28 wherever the words "division" and "division's" appear in
174 29 chapter 97B of the Iowa Code and the reference means the Iowa
174 30 public employee's retirement system division of the department
174 31 of personnel unless a contrary intent is clearly evident.

174 32 b. Except as otherwise provided in this Act, the Iowa Code
174 33 editor is directed to strike the word "system" and insert the
174 34 words "retirement system" in the following sections wherever
174 35 "system" but not "retirement system" appears in chapter 97B of
175 1 the Iowa Code and the reference means the retirement plan
175 2 established under chapter 97B:

175 3 Sections 97B.1A, subsections 3, 7, 9, 11, 14, 26; 97B.4;
175 4 97B.7A, subsection 1; 97B.8A, subsection 3, paragraph "b",
175 5 97B.8A, subsections 4 and 5; 97B.8B; 97B.11; 97B.17; 97B.42A,
175 6 subsections 3, 4, and 5; 97B.49F; 97B.49G; 97B.49H; 97B.50;
175 7 97B.50A, subsections 2 and 3; 97B.52A, subsection 3; 97B.53,
175 8 unnumbered paragraph 1; 97B.65; 97B.66; 97B.72; 97B.72A;
175 9 97B.73; 97B.73A; 97B.74; 97B.80; 97B.80A; 97B.80B; 97B.80C;
175 10 97B.81; 97B.82.

175 11 Sec. 287. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

175 12 1. Any rule, regulation, form, order, or directive
175 13 promulgated by any state agency mentioned in this Act,
175 14 including any agency abolished, merged, or altered in this
175 15 Act, and in effect on the effective date of this Act shall
175 16 continue in full force and effect until amended, repealed, or
175 17 supplemented by affirmative action of the appropriate state
175 18 agency under the duties and powers of state agencies as
175 19 established in this Act and under the procedure established in
175 20 subsection 2.

175 21 Any license or permit issued by any state agency mentioned
175 22 in this Act, including any agency abolished, merged, or
175 23 altered in this Act, and in effect on the effective date of
175 24 this Act shall continue in full force and effect until
175 25 expiration or renewal.

175 26 2. In regard to updating references and format in the Iowa
175 27 administrative code in order to correspond to the
175 28 restructuring of state government as established in this Act,
175 29 the administrative rules coordinator and the administrative
175 30 rules review committee, in consultation with the
175 31 administrative code editor, shall jointly develop a schedule
175 32 for the necessary updating of the Iowa administrative code.

175 33 Sec. 288. MISCELLANEOUS TRANSITION PROVISIONS.

175 34 1. Any personnel in the state merit system of employment
175 35 who are mandatorily transferred due to the effect of this Act
176 1 shall be so transferred without any loss in salary, benefits,
176 2 or accrued years of service.

176 3 2. Any funds in any account or fund of a department
176 4 eliminated due to the effect of this Act shall be transferred

176 5 to the comparable fund or account as provided by this Act.

176 6 3. Any cause of action or statute of limitation relating
176 7 to a department or division transferred to another department
176 8 or division as provided by this Act shall not be affected as a
176 9 result of the transfer and such cause or statute of limitation
176 10 shall apply to the successor department or division.

176 11 4. Any replacement of signs, logos, stationery, insignia,
176 12 uniforms, and related items that is made due to the effect of
176 13 this Act should be done as part of the normal replacement
176 14 cycle for such items.

176 15 Sec. 289. DEPARTMENT PROGRESS REPORTS. The department of
176 16 administrative services shall report to the committees on
176 17 government oversight of the senate and house of
176 18 representatives on or before each July 31 and January 31
176 19 between July 1, 2003, and February 1, 2006, regarding the
176 20 activities of the department in implementing the requirements
176 21 of this Act, including but not limited to the department's
176 22 decisions concerning which services should be provided solely
176 23 by the department and which services should be available from
176 24 a variety of providers.

176 25 Sec. 290. STATE ADMINISTRATIVE SERVICES == MISCELLANEOUS
176 26 PROVISIONS.

176 27 1. As used in this section, unless the context otherwise
176 28 requires:

176 29 a. "Agency" or "state agency" means as defined in section
176 30 8A.101. "Agency" includes the state board of regents subject
176 31 to the requirements of section 8A.122.

176 32 b. "Designated state service" means one of the following
176 33 services provided to state agencies: printing, information
176 34 technology, mail, human resource benefits and payroll,
176 35 financial accounting, property management, fleet management,
177 1 and purchasing services.

177 2 c. "Managed competition" means a process that allows both
177 3 state agencies and other entities to submit competitive bids
177 4 to provide designated state services, which process takes into
177 5 account the true cost-accounting costs for state agencies.
177 6 Managed competition may result in multiple providers, which
177 7 may be state agencies or nongovernmental entities, of the same
177 8 designated state service to state agencies. The use of
177 9 managed competition shall not preclude the use of other
177 10 entrepreneurial steps in any area.

177 11 2. The following duties relating to state administrative
177 12 services shall be performed, subject to the requirements of
177 13 chapter 8A, as provided by this subsection:

177 14 a. (1) The department of administrative services shall,
177 15 pursuant to the requirements of this section, select a
177 16 designated state service and conduct a pilot project to
177 17 determine the feasibility of conducting a managed competition
177 18 for delivery of the service and shall submit a report, with
177 19 its findings and recommendations, to the legislative fiscal
177 20 bureau and the committees on government oversight of the
177 21 senate and house of representatives by July 1, 2005.

177 22 (2) In addition, the department of administrative services
177 23 may, pursuant to the requirements of this section, determine
177 24 how the designated state services of all executive branch
177 25 agencies, community-based corrections districts, and other
177 26 state governmental entities shall be delivered.

177 27 b. By July 1, 2005, the department of administrative
177 28 services shall submit a request for proposals for a managed
177 29 competition for printing services unless more efficient
177 30 results can be obtained through the use of other
177 31 entrepreneurial methods as authorized by chapter 8A. The
177 32 request for proposals shall allow for the awarding of all or
177 33 parts of printing services to the department or another
177 34 governmental agency or nongovernmental entity.

177 35 c. By September 1, 2004, the department of administrative
178 1 services, with the assistance of the department of management,
178 2 shall conduct a comprehensive study of the impact of
178 3 transferring all state agency employees delivering information
178 4 technology services to the department of administrative
178 5 services and of the impact of physically merging the data
178 6 centers of the department, the state department of
178 7 transportation, and the department of workforce development,
178 8 into one data center. The study shall include an assessment
178 9 of advantages and disadvantages, economies of scale, cost, and
178 10 space availability, and shall solicit input from outside
178 11 vendors, both public and private. The department shall report
178 12 to the legislative fiscal bureau and the committees on
178 13 government oversight of the senate and house of
178 14 representatives on the department's findings and
178 15 recommendations by November 1, 2004.

178 16 d. The department of administrative services may limit
178 17 unified fleet management responsibilities to cars and small
178 18 trucks. By July 1, 2005, the fleet management operations
178 19 shall be subject to a managed competition process conducted by
178 20 the department of administrative services unless more
178 21 efficient results can be obtained through the use of other
178 22 entrepreneurial methods as authorized by chapter 8A. The
178 23 request for proposals shall allow for the awarding of all or
178 24 parts of fleet management to the department of administrative
178 25 services, other governmental agencies, or nongovernmental
178 26 entities.

178 27 3. The auditor of state shall be consulted regarding the
178 28 process for issuance of requests for proposals for managed
178 29 competition. The role of the auditor of state is to provide
178 30 advice as to whether an approach offers the best opportunity
178 31 for reducing state government costs.

178 32 Sec. 291.

178 33 1. Sections 7A.15, 7A.16, 7A.17, 7A.18, 7A.19, 7A.21,
178 34 7A.22, 7A.25, 7A.26, 7D.33, 218.89, 421.6, 421.31, 421.32,
178 35 421.33, 421.34, 421.35, 421.36, 421.37, 421.38, 421.39,
179 1 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, Code 2003, are
179 2 repealed.

179 3 2. Chapters 14B, 18, and 19A, Code 2003, are repealed.

179 4 Sec. 292. PREVAILING PROVISIONS. The provisions of House
179 5 File 636 relating to legislative branch consolidation of
179 6 functions, or a similar bill enacted by the Eightieth General
179 7 Assembly, 2003 Regular Session, which provisions relate to
179 8 official legal and other publications, procurements, special
179 9 distribution of legal publications, and restrictions on free
179 10 distributions by the legislative service bureau or its
179 11 successor agency, shall prevail over any conflicting
179 12 provisions of this Act.

179 13 Sec. 293. EFFECTIVE DATE. The sections of this Act
179 14 amending sections 8.63 and 70A.38, and enacting section
179 15 8A.204, being deemed of immediate importance, take effect upon
179 16 enactment.

179 17 HF 534

179 18 ec/es/25